

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

Call to Order: Chair Keith Regier-R, on February 27, 2023 at 8:05 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 277 02/22/2023
SB 410 02/21/2023
SB 434 02/21/2023
SB 436 02/21/2023
SB 439 02/21/2023
SB 440 02/21/2023
SB 464 02/23/2023
SB 468 02/23/2023
SB 469 02/23/2023
SB 470 02/23/2023

Executive Action:

SB 445 DO PASS
SB 337 DO PASS AS AMENDED
SB 443 DO PASS AS AMENDED

SB 459 DO PASS AS AMENDED

HEARING ON SB 470 - Generally revising laws related to bail bonds

Opening Statement:

08:07:26 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 470, Generally revising laws related to bail bonds.

Proponent Testimony:

08:10:23 John Looney, Central Montana Bail Bonds, National Association of Bail Agents

08:12:38 Kelly Reisbeck, Bail Montana

08:13:00 Jeff Carter, Montana Bail Association

08:13:20 Scott Restvedt, Valley Bail Bonds, Montana Association of Bail Agents

08:13:52 John Willoughby, self

08:14:40 Blaine Fortner, self

08:14:58 Rod Young, Valley Bail Bonds

08:15:17 Lorelai Reed, self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:15:56 Sen. Theresa Manzella

08:16:37 John Looney, Central Montana Bail Bonds, National Association of Bail Agents

08:22:21 Sen. Bob Brown

08:22:29 John Looney, Central Montana Bail Bonds, National Association of Bail Agents

08:23:40 Sen. Bob Brown

08:23:42 Sponsor

08:23:49 Sen. Susan Webber

08:24:19 John Looney, Central Montana Bail Bonds, National Association of Bail Agents

Closing Statement:

08:25:09 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 470.

HEARING ON SB 469 - Establish statewide central registry for reports of child abuse or neglect

Opening Statement:

08:25:58 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 469, Establish statewide central registry for reports of child abuse or neglect.

Proponent Testimony:

08:29:48 Matt Furlong, Montana Child Protection Alliance (CPA)

08:31:06 Denise Johnson, Montana Child Protection Alliance (CPA)

Opponent Testimony:

08:33:17 Bruce Spencer, Montana Judges Association

Informational Witness Testimony:

08:37:34 Nikki Grossberg, Montana Child and Family Services, Department of Health and Human Services (DPHHS)

Questions from Committee:

08:38:08 Sen. Susan Webber

08:38:23 Nikki Grossberg, Montana Child and Family Services

08:39:33 Chair Keith Regier

08:39:54 Nikki Grossberg, Montana Child and Family Services
08:41:14 Sen. Daniel Emrich
08:41:48 Matt Furlong, Montana Child Protection Alliance
08:42:24 Sen. Daniel Emrich
08:42:39 Nikki Grossberg, Montana Child and Family Services
08:43:50 Sen. Susan Webber
08:44:23 Nikki Grossberg, Montana Child and Family Services
08:45:13 Sen. Theresa Manzella
08:45:37 Denise Johnson, Montana Child Protection Alliance
08:49:23 Vice Chair Jen Gross
08:49:57 Nikki Grossberg, Montana Child and Family Services
08:51:26 Vice Chair Jen Gross
08:52:03 Sen. Jeremy Trebas-R
08:52:17 Sen. Daniel Emrich
08:53:31 Nikki Grossberg, Montana Child and Family Services

Closing Statement:

08:53:36 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 469.

HEARING ON SB 468 - Generally revise involuntary commitment laws

Opening Statement:

08:54:46 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 468,
Generally revise involuntary commitment laws.

Proponent Testimony:

None

Opponent Testimony:

09:02:15 Maggie Bornstein, American Civil Liberties Union of Montana

Informational Witness Testimony:

09:04:16 Matt Kutz, National Alliance on Mental Illness Montana

Questions from Committee:

09:04:51 Vice Chair Jen Gross

09:05:46 Matt Kutz, National Alliance on Mental Illness Montana

09:07:22 Vice Chair Jen Gross

09:07:26 Sen. Jeremy Trebas-R

09:07:59 Sen. Andrea Olsen

09:08:55 Sen. Jeremy Trebas-R

Closing Statement:

09:12:43 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 468.

HEARING ON SB 464 - Revise laws related to eyewitness lineups

Opening Statement:

09:13:02 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 464, Revise laws related to eyewitness lineups.

Proponent Testimony:

09:15:06 Sam Forstag, Montana Innocence Project

[EXHIBIT\(230227JUSa1\)](#)

09:17:27 Maggie Bornstein, American Civil Liberties Union of Montana

09:18:22 Amy Sings In The Timber, Montana Innocence Project

Opponent Testimony:

09:19:31 Dan Smith, Montana Police Protective Association (MPPA)

Informational Witness Testimony:

None

Questions from Committee:

09:20:40 Vice Chair Jen Gross
09:20:57 Sam Forstag, Montana Innocence Project
09:21:52 Vice Chair Jen Gross
09:22:10 Dan Smith, MPPA
09:23:34 Vice Chair Jen Gross
09:24:00 Sen. Jeremy Trebas-R
09:24:13 Sen. Bob Brown
09:25:39 Dan Smith, MPPA
09:27:11 Sen. Daniel Emrich
09:28:25 Sen. Jeremy Trebas-R
09:29:20 Sen. Daniel Emrich
09:29:43 Dan Smith, MPPA
09:30:29 Chair Keith Regier
09:30:37 Vice Chair Jen Gross
09:31:03 Sam Forstag, Montana Innocence Project

Closing Statement:

09:32:11 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 464.

HEARING ON SB 277 - Revise laws relating to victims of crime

Opening Statement:

09:32:44 Sen. Shane Morigeau (D), SD 95, opened the hearing on SB 277, Revise laws relating to victims of crime.

Discussion:

[EXHIBIT\(230227JUSa2\)](#)

[EXHIBIT\(230227JUSa3\)](#)

[EXHIBIT\(230227JUSa4\)](#)

Proponent Testimony:

09:44:05 Beth Brenneman, Montana Coalition Against Domestic and Sexual Violence
09:45:18 Kristi Bice, self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:47:36 Vice Chair Jen Gross
09:48:19 Sen. Shane Morigeau-D

HEARING ON SB 434 - Establish Constitution Settlement Commission of the States

Opening Statement:

09:53:42 Sen. Theresa Manzella (R), SD 85, opened the hearing on SB 434, Establish Constitution Settlement Commission of the States.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:59:58 Vice Chair Jen Gross

10:00:49 Sen. Theresa Manzella-R
10:03:35 Sen. Susan Webber
10:04:04 Sen. Theresa Manzella-R
10:05:24 Sen. Steve Hinebauch
10:05:31 Vice Chair Barry Usher left the meeting.
10:05:36 Sen. Chris Friedel left the meeting.
10:05:47 Sen. Theresa Manzella-R
10:06:29 Sen. Steve Hinebauch
10:06:43 Sen. Theresa Manzella-R
10:07:46 Sen. Daniel Emrich
10:08:03 Vice Chair Barry Usher joined the meeting.
10:08:46 Sen. Theresa Manzella-R
10:10:36 Sen. Chris Friedel joined the meeting.
10:16:53 Sen. Susan Webber
10:17:21 Sen. Theresa Manzella-R
10:17:57 Vice Chair Jen Gross
10:18:18 Sen. Theresa Manzella-R

Closing Statement:

10:19:34 Sen. Theresa Manzella (R), SD 85, closed the hearing on SB 434.

HEARING ON SB 436 - Revise labor law adding certain elected officials in collective bargaining

Opening Statement:

10:20:03 Sen. Steve Hinebauch (R), SD 18, opened the hearing on SB 436, Revise labor law adding certain elected officials in collective bargaining.

Proponent Testimony:

10:21:01 Stephanie Cote, Montana Department of Justice (DOJ)

Opponent Testimony:

10:22:15 Larry Nielsen, Montana Federation of Public Employees (MFPE)

Informational Witness Testimony:

10:25:01 Anjenette Schafer, Governor's Office Chief Labor Negotiator

Questions from Committee:

10:26:36 Vice Chair Jen Gross

10:26:43 Anjenette Schafer, Chief Labor Negotiator

10:27:05 Vice Chair Jen Gross

10:27:22 Larry Nielsen, MFPE

10:27:54 Vice Chair Jen Gross

10:28:27 Sen. Steve Hinebauch-R

10:30:51 Vice Chair Jen Gross

10:31:04 Stephanie Cote, DOJ

10:32:40 Vice Chair Jen Gross

10:32:54 Larry Nielsen, MFPE

10:34:07 Vice Chair Barry Usher

10:35:06 Larry Nielsen, MFPE

10:37:08 Vice Chair Barry Usher

10:37:36 Stephanie Cote, DOJ

10:38:01 Sen. Susan Webber

10:38:33 Stephanie Cote, DOJ

Closing Statement:

10:38:41 Sen. Steve Hinebauch (R), SD 18, closed the hearing on SB 436.

HEARING ON SB 440 - Revise laws relating to IOLTA accounts

Opening Statement:

10:39:31 Vice Chair Barry Usher (R), SD 40, opened the hearing on SB 440, Revise laws relating to IOLTA accounts.

Proponent Testimony:

10:44:28 Attorney General Austin Knudsen, self

10:56:25 John Metropoulos, Metropoulos Law Firm

10:58:37 Duncan Scott, self

Opponent Testimony:

11:00:40 John Mudd, Executive Director State Bar of Montana

[EXHIBIT\(230227JUSa5\)](#)

11:03:27 Allison Paul, Montana Legal Services Association

11:04:26 Bruce Spencer, self

11:07:10 Mike Black, self

11:10:00 Beth Brenneman, Montana Coalition Against Domestic and Sexual Violence

11:10:46 Erin Lambert, Young Women's Christian Association Billings

11:12:01 Cherie LeBlanc-Dyba, CASA/GAL Montana

11:13:55 Patricia Cotter, self

11:15:31 Kyle Nelson, Montana Justice Foundation

11:17:14 Al Smith, Montana Trial Lawyers Association

Informational Witness Testimony:

11:17:47 Alissa Chambers, Montana Justice Foundation

Questions from Committee:

10:47:13 Sen. Andrea Olsen

10:48:33 Attorney General Austin Knudsen

10:52:02 Sen. Chris Friedel
10:52:23 Attorney General Austin Knudsen
10:54:51 Sen. Andrea Olsen
10:55:12 Attorney General Austin Knudsen
11:18:09 Chair Keith Regier
11:18:30 John Mudd, Executive Director, State Bar of Montana
11:21:15 Sen. Chris Friedel
11:23:01 John Mudd, Executive Director, State Bar of Montana
11:23:30 Chair Keith Regier
11:24:01 John Mudd, Executive Director, State Bar of Montana
11:24:24 Sen. Andrea Olsen
11:25:00 Patricia Cotter, self
11:26:05 Sen. Steve Hinebauch
11:26:33 John Metropoulos, Metropoulos Law Firm

Closing Statement:

11:26:47 Vice Chair Barry Usher (R), SD 40, closed the hearing on SB 440.

HEARING ON SB 439 - Revise death penalty laws related to lethal injection

Opening Statement:

11:30:42 Vice Chair Barry Usher (R), SD 40, opened the hearing on SB 439, Revise death penalty laws related to lethal injection.

Discussion:

[EXHIBIT\(230227JUSa6\)](#)

Proponent Testimony:

11:35:27 Attorney General Austin Knudsen, Attorney General's Office of Montana

11:37:24 Nanette Gilbertson, Montana County Attorneys Association

Opponent Testimony:

11:38:12 Sam Forstag, Montana Innocence Project

[EXHIBIT\(230227JUSa7\)](#)

11:40:27 Robert Filipovich, self

11:42:50 Robin Turner, American Civil Liberties Union of Montana

11:44:42 Amy Sings In The Timber, American Innocence Project

Informational Witness Testimony:

None

Questions from Committee:

11:46:51 Sen. Chris Friedel

11:47:28 Nanette Gilbertson, Montana County Attorneys Association

11:48:15 Attorney General Austin Knudsen, Attorney General's Office of Montana

11:49:28 Chair Keith Regier

11:49:39 Attorney General Austin Knudsen, Attorney General's Office of Montana

11:50:44 Chair Keith Regier

11:50:52 Sam Forstag, Montana Innocence Project

11:51:19 Sen. Theresa Manzella

11:51:46 Attorney General Austin Knudsen, Attorney General's Office of Montana

11:52:52 Sen. Susan Webber

11:53:35 Attorney General Austin Knudsen, Attorney General's Office of Montana

11:54:16 Sen. Andrea Olsen

11:54:52 Attorney General Austin Knudsen, Attorney General's Office of Montana

Closing Statement:

11:56:54 Vice Chair Barry Usher (R), SD 40, closed the hearing on SB 439.

Discussion:

11:58:10 Vice Chair Jen Gross left the meeting.

HEARING ON SB 410 - Removing duty of court administrator

Opening Statement:

11:59:18 Vice Chair Barry Usher (R), SD 40, opened the hearing on SB 410, Removing duty of court administrator.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

12:01:48 Sen. Susan Webber

12:02:14 Sen. Barry Usher-R

12:03:28 Sen. Andrea Olsen

12:03:52 Sen. Barry Usher-R

12:04:29 Sen. Daniel Emrich left the meeting.

12:04:50 Sen. Steve Hinebauch left the meeting.

12:05:08 Chair Keith Regier

12:06:22 Sen. Theresa Manzella

12:07:13 Sen. Barry Usher-R

Closing Statement:

12:08:05 Vice Chair Barry Usher (R), SD 40, closed the hearing on SB 410.

Discussion:

12:08:25 Sen. Steve Hinebauch joined the meeting.

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

12:11:07 **Motion:** Sen. Barry Usher moved that **SB 445 DO PASS.**

Discussion:

12:14:44 Sen. Daniel Emrich left the meeting.

12:17:33 Vice Chair Jen Gross joined the meeting.

12:11:07 **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 337 - Generally revise parental rights laws

12:13:31 **Motion:** Sen. Theresa Manzella moved that **SB 337 DO PASS.**

12:15:27 **Motion:** Sen. Theresa Manzella moved that **SB 337 BE AMENDED.**

Discussion:

12:15:38 Sen. Theresa Manzella

12:17:44 Vice Chair Jen Gross

12:15:27 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

12:19:16 **Motion:** Sen. Theresa Manzella moved that **SB 337 DO PASS AS AMENDED.**

12:19:16 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON SB 443 - Revise POST council membership

12:20:32 **Motion:** Sen. Chris Friedel moved that **SB 443 DO PASS.**

12:21:47 **Motion:** Sen. Chris Friedel moved that **SB 443 BE AMENDED.**

Discussion:

12:22:07 Sen. Daniel Emrich joined the meeting.

- 12:22:29 Chair Keith Regier
- 12:22:36 Julianne Burkhardt
- 12:23:15 Vice Chair Jen Gross
- 12:23:22 Vice Chair Barry Usher
- 12:23:29 Sen. Chris Friedel
- 12:24:11 Vice Chair Barry Usher
- 12:21:47 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
- 12:25:47 **Motion:** Sen. Chris Friedel moved that **SB 443 DO PASS AS AMENDED.**
- 12:25:47 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Usher, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON SB 459 - Revise laws related to pretrial release

- 12:27:08 **Motion:** Sen. Barry Usher moved that **SB 459 DO PASS.**
- 12:28:18 **Motion:** Sen. Barry Usher moved that **SB 459 BE AMENDED.**
- Discussion:**
- 12:28:28 Julianne Burkhardt
- 12:28:18 **Vote:** Motion carried unanimously by voice vote.
- 12:29:28 **Motion:** Sen. Barry Usher moved that **SB 459 DO PASS AS AMENDED.**
- Discussion:**
- 12:29:45 Vice Chair Jen Gross
- 12:29:28 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 12:31:33

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230227JUSaad\)](#)