

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

Call to Order: Chair Keith Regier-R, on February 28, 2023 at 7:03 AM, in 335

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. Theresa Manzella (R)
Sen. Andrea Olsen (D)
Sen. Susan Webber (D)

Members Excused: Sen. Chris Friedel (R)
Sen. Jen Gross (D)
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 476 02/23/2023
SB 477 02/23/2023
SB 488 02/25/2023
SB 490 02/25/2023
SB 491 02/25/2023
SB 497 02/25/2023
SJ 15 02/25/2023

Executive Action:

SB 277 DO PASS
SB 410 DO PASS
SB 434 DO PASS AS AMENDED
SB 436 DO PASS
SB 439 DO PASS
SB 464 TO TABLE

SB 440 DO PASS
SB 468 TO TABLE
SB 469 DO PASS
SB 470 DO PASS
SB 490 DO PASS
SB 491 DO PASS
SB 497 DO PASS
SB 488 DO PASS
SB 476 TO TABLE
SB 477 TO TABLE
SJ 15 DO PASS

EXECUTIVE ACTION ON SB 277 - Revise laws relating to victims of crime

07:04:25 **Motion:** Sen. Barry Usher moved that **SB 277 DO PASS.**

Discussion:

07:04:45 Sen. Susan Webber

07:06:20 Chair Keith Regier

07:04:25 **Vote:** Motion carried 10 - 1 by roll call vote with Sen. Hinebauch, voting no.

EXECUTIVE ACTION ON SB 410 - Removing duty of court administrator

07:07:31 **Motion:** Sen. Barry Usher moved that **SB 410 DO PASS.**

Discussion:

07:07:42 Sen. Andrea Olsen

07:08:07 Vice Chair Barry Usher

07:08:41 Chair Keith Regier

07:08:55 Sen. Andrea Olsen

07:09:15 Vice Chair Jen Gross joined the meeting.

07:07:31 **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 434 - Establish Constitution Settlement Commission of the States

07:10:40 **Motion:** Sen. Theresa Manzella moved that **SB 434 DO PASS.**

Discussion:

07:10:51 Sen. Theresa Manzella

07:14:08 **Motion:** Sen. Theresa Manzella moved that **SB 434 CONCEPTUAL AMENDMENT.**

07:14:08 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

07:15:37 **Motion:** Sen. Theresa Manzella moved that **SB 434 DO PASS AS AMENDED.**

Discussion:

07:15:58 Sen. Daniel Emrich
07:16:21 Sen. Steve Hinebauch
07:16:34 Vice Chair Barry Usher
07:17:06 Sen. Susan Webber
07:17:31 Sen. Theresa Manzella
07:18:09 Vice Chair Jen Gross
07:15:37 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Emrich, Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

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

07:19:42 **Motion:** Sen. Steve Hinebauch moved that **SB 436 DO PASS.**
Discussion:
07:20:00 Sen. Andrea Olsen
07:20:30 Sen. Steve Hinebauch
07:21:02 Sen. Chris Friedel joined the meeting.
07:22:00 Chair Keith Regier
07:19:42 **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 SB 439 - Revise death penalty laws related to lethal injection

07:23:17 **Motion:** Sen. Barry Usher moved that **SB 439 DO PASS.**
Discussion:
07:23:29 Vice Chair Barry Usher
07:23:55 Vice Chair Jen Gross
07:24:41 Chair Keith Regier
07:25:08 Sen. Andrea Olsen
07:25:39 Chair Keith Regier
07:25:41 Vice Chair Jen Gross

07:23:17 **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 464 - Revise laws related to eyewitness lineups

07:27:51 **Motion:** Sen. Barry Usher moved that **SB 464 DO PASS.**

07:29:27 **Motion:** Sen. Jen Gross moved that **SB 464 BE AMENDED.**

07:29:27 **Vote:** Motion carried unanimously by voice vote.

07:30:07 **Motion:** Sen. Barry Usher moved that **SB 464 DO PASS AS AMENDED.**

Discussion:

07:30:25 Vice Chair Jen Gross

07:30:38 Chair Keith Regier

07:30:07 **Vote:** Motion failed 6 - 5 by roll call vote with Sen. Emrich, Sen. Friedel, Sen. Gross, Sen. Kelker, Sen. Olsen, voting yes.
Sen. Kelker, By Proxy

07:31:44 **Motion:** Sen. Barry Usher moved that **SB 464 TO TABLE.**

07:31:44 **Vote:** Motion carried 10 - 1 by voice vote with Sen. Friedel, voting no.

EXECUTIVE ACTION ON SB 440 - Revise laws relating to IOLTA accounts

07:32:44 **Motion:** Sen. Barry Usher moved that **SB 440 DO PASS.**

Discussion:

07:32:56 Sen. Andrea Olsen

07:34:14 Chair Keith Regier

07:35:25 Sen. Andrea Olsen

07:36:02 Chair Keith Regier

07:36:23 Sen. Andrea Olsen

07:37:06 Vice Chair Barry Usher

07:38:12 Sen. Andrea Olsen

07:40:32 Chair Keith Regier

07:40:40 Vice Chair Barry Usher

07:40:55 Sen. Steve Hinebauch

07:32:44 **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 468 - Generally revise involuntary commitment laws

07:42:01 **Motion:** Sen. Barry Usher moved that **SB 468 DO PASS.**

Discussion:

07:42:12 Vice Chair Jen Gross

07:43:35 Sen. Daniel Emrich

07:44:36 Vice Chair Barry Usher

07:45:55 Vice Chair Jen Gross

07:46:49 Sen. Susan Webber

07:47:29 Sen. Daniel Emrich

07:42:01 **Vote:** Motion failed 8 - 3 by roll call vote with Sen. Brown, Sen. Emrich, Sen. Hinebauch, voting yes.

07:49:20 **Motion:** Sen. Barry Usher moved that **SB 468 TO TABLE.**

07:49:20 **Vote:** Motion carried unanimously by voice vote.

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

07:50:00 **Motion:** Sen. Barry Usher moved that **SB 469 DO PASS.**

07:50:00 **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 470 - Generally revising laws related to bail bonds

07:51:24 **Motion:** Sen. Barry Usher moved that **SB 470 DO PASS.**

Discussion:

07:51:46 Sen. Chris Friedel

07:52:49 Julianne Burkhardt

07:53:49 Sen. Chris Friedel

07:54:01 Chair Keith Regier

07:54:29 Julianne Burkhardt
07:55:17 Vice Chair Barry Usher
07:55:50 Julianne Burkhardt
07:56:24 Sen. Chris Friedel
07:56:42 Sen. Steve Hinebauch
07:51:24 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Friedel, Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

HEARING ON SB 490 - Generally revising the legislature's investigative powers

Opening Statement:

08:04:53 Sen. Greg Hertz (R), SD 12, opened the hearing on SB 490, Generally revising the legislature's investigative powers.

Proponent Testimony:

08:09:17 Bart Crabtree, Montana Citizens Council on Judicial Accountability

Informational Witness Testimony:

None

Questions from Committee:

08:10:09 Sen. Andrea Olsen
08:10:38 Bart Crabtree, Montana Citizens Council on Judicial Accountability
08:11:18 Chair Keith Regier
08:11:23 Sen. Greg Hertz-R
08:11:47 Julianne Burkhardt
08:11:57 Sen. Theresa Manzella
08:12:49 Sen. Greg Hertz-R
08:13:25 Vice Chair Jen Gross joined the meeting.
08:13:28 Vice Chair Jen Gross
08:13:56 Sen. Greg Hertz-R

Closing Statement:

08:14:35 Sen. Greg Hertz (R), SD 12, closed the hearing on SB 490.

HEARING ON SB 491 - Revise liability laws for persons engaging in a felony

Opening Statement:

08:15:04 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 491, Revise liability laws for persons engaging in a felony.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:16:42 Chair Keith Regier

08:16:58 Sen. Steve Fitzpatrick-R

Closing Statement:

08:17:14 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 491.

HEARING ON SB 497 - Revise property laws relating to easements

Opening Statement:

08:17:42 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 497, Revise property laws relating to easements.

Proponent Testimony:

08:20:28 Charles Denowh, United Property Owners of Montana

Opponent Testimony:

08:23:15 Colin Cooney, Trout Unlimited

08:24:17 Marcus Strange, Montana Wildlife Federation

Informational Witness Testimony:

08:25:35 Bill Schenk, Montana Fish Wildlife and Parks Department

Questions from Committee:

08:26:09 Sen. Theresa Manzella

08:27:00 Sen. Steve Fitzpatrick-R

08:27:37 Sen. Andrea Olsen

08:28:59 Sen. Steve Fitzpatrick-R

08:30:29 Sen. Andrea Olsen

08:31:09 Marcus Strange, Montana Wildlife Federation

08:31:34 Bill Schenk, Montana Fish Wildlife and Parks Department

08:33:00 Chair Keith Regier

08:33:10 Bill Schenk, Montana Fish Wildlife and Parks Department

08:34:26 Chair Keith Regier

08:36:46 Sen. Susan Webber

08:37:59 Sen. Steve Fitzpatrick-R

08:38:31 Sen. Steve Hinebauch

08:38:53 Charles Denowh, United Property Owners of Montana

Closing Statement:

08:40:08 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 497.

HEARING ON SB 488 - Abolish common law marriage

Opening Statement:

08:40:24 Sen. Daniel Zolnikov (R), SD 45, opened the hearing on SB 488, Abolish common law marriage.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:46:17 Sen. Andrea Olsen
08:52:21 Sen. Daniel Zolnikov-R
08:53:50 Sen. Susan Webber
08:54:13 Sen. Daniel Zolnikov-R
08:56:52 Vice Chair Barry Usher
08:57:20 Sen. Daniel Zolnikov-R
08:58:15 Sen. Chris Friedel joined the meeting.
08:58:17 Sen. Chris Friedel
09:00:07 Sen. Daniel Zolnikov-R
09:01:28 Sen. Theresa Manzella
09:02:11 Sen. Daniel Zolnikov-R
09:02:47 Chair Keith Regier
09:04:07 Sen. Andrea Olsen
09:05:09 Sen. Daniel Zolnikov-R
09:06:14 Chair Keith Regier
09:06:58 Sen. Daniel Zolnikov-R

Closing Statement:

09:08:02 Sen. Daniel Zolnikov (R), SD 45, closed the hearing on SB 488.

HEARING ON SB 476 - Prohibit housing discrimination based on source of income

Opening Statement:

09:08:52 Sen. Ellie Boldman (D), SD 45, opened the hearing on SB 476, Prohibit housing discrimination based on source of income.

Proponent Testimony:

09:21:04 Robin Turner, Montana Coalition Against Domestic and Sexual Violence

09:22:25 Shyla Patera, North Central Independent Living Services

09:24:20 Emily Harris-Shears, City of Missoula

09:25:41 Travis Hoffman, City of Missoula

Opponent Testimony:

09:27:04 John Sinrud, Montana Landlords Association

09:29:55 Sam Sill, Montana Association of Realtors

Informational Witness Testimony:

09:31:09 Eric Strauss, Montana Department of Labor

Questions from Committee:

09:31:35 Chair Keith Regier

09:31:48 John Sinrud, Montana Landlords Association

09:33:10 Sen. Susan Webber

09:33:33 Sen. Ellie Boldman-D

09:36:26 Travis Hoffman, City of Missoula

09:38:10 Chair Keith Regier

09:38:27 Sen. Ellie Boldman-D

09:39:56 Eric Strauss, Montana Department of Labor

09:40:48 Vice Chair Barry Usher

Closing Statement:

09:42:45 Sen. Ellie Boldman (D), SD 45, closed the hearing on SB 476.

HEARING ON SB 477 - Revise laws related to mental health background checks for gun possession

Opening Statement:

09:45:11 Sen. Ellie Boldman (D), SD 45, opened the hearing on SB 477, Revise laws related to mental health background checks for gun possession.

Proponent Testimony:

09:55:22 Dr. Theresa Blaskovich, American Academy of Pediatrics

09:57:13 Shanee Henry, self

09:59:23 Ta'jin Perez, self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:00:48 Sen. Daniel Emrich

10:02:07 Sen. Ellie Boldman-D

10:05:03 Chair Keith Regier

10:05:35 Dr. Teresa Blaskovich, American Academy of Pediatrics

10:06:01 Vice Chair Barry Usher

10:06:05 Dr. Teresa Blaskovich, American Academy of Pediatrics

10:06:10 Sen. Andrea Olsen

10:07:34 Sen. Ellie Boldman-D

10:08:57 Sen. Bob Brown

10:12:10 Sen. Ellie Boldman-D

10:12:37 Sen. Daniel Emrich

10:14:11 Sen. Ellie Boldman-D

Closing Statement:

10:22:45 Sen. Ellie Boldman (D), SD 45, closed the hearing on SB 477.

HEARING ON SJ 15 - Resolution on Marbury v. Madison

Opening Statement:

10:25:50 Sen. Tom McGillvray (R), SD 23, opened the hearing on SJ 15, Resolution on Marbury v. Madison.

Proponent Testimony:

10:39:30 Rick Jore, self

[EXHIBIT\(230228JUSa1\)](#)

10:42:15 Pascal Redfern, self

10:45:29 Senator Dave Howard, Senate District 29

10:47:32 Patrick Gould, self

Opponent Testimony:

10:49:08 Ta'jin Perez, Western Native Voice

Informational Witness Testimony:

None

Questions from Committee:

10:51:06 Sen. Daniel Emrich

10:53:35 Rick Jore, self

10:55:49 Sen. Daniel Emrich

10:57:33 Pascal Redfern, self

11:00:23 Sen. Steve Hinebauch

11:00:50 Pascal Redfern, self

11:01:47 Sen. Andrea Olsen

11:02:34 Sen. Tom McGillvray-R

11:05:23 Chair Keith Regier
11:05:32 Ta'jin Perez, Western Native Voice
11:08:48 Sen. Theresa Manzella
11:10:41 Sen. Tom McGillvray-R
11:12:55 Sen. Susan Webber
11:14:57 Vice Chair Barry Usher
11:15:40 Sen. Tom McGillvray-R
11:16:31 Sen. Andrea Olsen
11:16:59 Sen. Tom McGillvray-R

Closing Statement:

11:17:05 Sen. Tom McGillvray (R), SD 23, closed the hearing on SJ 15.

EXECUTIVE ACTION ON SB 490 - Generally revising the legislature's investigative powers

11:38:03 **Motion:** Sen. Barry Usher moved that **SB 490 DO PASS.**
11:38:03 **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

EXECUTIVE ACTION ON SB 491 - Revise liability laws for persons engaging in a felony

11:39:20 **Motion:** Sen. Barry Usher moved that **SB 491 DO PASS.**
11:39:20 **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

EXECUTIVE ACTION ON SB 497 - Revise property laws relating to easements

11:40:12 **Motion:** Sen. Barry Usher moved that **SB 497 DO PASS.**

Discussion:

11:40:21 Sen. Andrea Olsen

11:40:12 **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

EXECUTIVE ACTION ON SB 488 - Abolish common law marriage

11:41:47 **Motion:** Sen. Barry Usher moved that **SB 488 DO PASS.**

Discussion:

11:41:52 Sen. Andrea Olsen

11:42:55 Sen. Susan Webber

11:43:34 Sen. Daniel Emrich

11:41:47 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Friedel, Sen. Manzella, Sen. Olsen, Sen. Usher, voting no.
Sen. Friedel, By Proxy

EXECUTIVE ACTION ON SB 476 - Prohibit housing discrimination based on source of income

11:44:55 **Motion:** Sen. Barry Usher moved that **SB 476 TO TABLE.**

11:44:55 **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

EXECUTIVE ACTION ON SB 477 - Revise laws related to mental health background checks for gun possession

11:45:57 **Motion:** Sen. Daniel Emrich moved that **SB 477 TO TABLE.**

11:45:57 **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

EXECUTIVE ACTION ON SJ 15 - Resolution on Marbury v. Madison

11:47:01 **Motion:** Sen. Barry Usher moved that **SJ 15 DO PASS.**

Discussion:

11:47:11 Sen. Andrea Olsen

11:48:26 Sen. Susan Webber

11:48:57 Sen. Daniel Emrich

11:51:06 Sen. Theresa Manzella

11:47:01 **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: 11:54:28

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230228JUSaad\)](#)