

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

Call to Order: Chair Keith Regier-R, on March 17, 2023 at 8:58 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:

HB 436 03/14/2023
HB 452 03/14/2023
HB 457 03/14/2023
HB 555 03/15/2023

Executive Action:

HB 161
HB 301
HB 356
HB 397
HB 426

HEARING ON HB 436 - Revise laws regarding the substitution of judges

Opening Statement:

09:01:00 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 436, Revise laws regarding the substitution of judges.

Proponent Testimony:

09:05:10 Matt Furlong, Montana Child Protection Alliance (MCPA)

09:07:46 Denise Johnson, Montana Child Protection Alliance (MCPA)

Opponent Testimony:

09:10:16 Bruce Spencer, Montana Judges Association

09:11:16 Sen. Daniel Emrich joined the meeting.

09:11:23 Sen. Susan Webber joined the meeting.

Informational Witness Testimony:

09:16:33 Erica Johnston, Executive Director, Child Welfare Division, Department of Health and Human Services (DPHHS)

Questions from Committee:

09:17:02 Sen. Andrea Olsen

09:18:24 Rep. Lola Sheldon-Galloway-R

09:24:55 Vice Chair Jen Gross

09:25:08 Rep. Lola Sheldon-Galloway-R

09:25:27 Denise Johnson, MCPA

09:27:27 Erica Johnston, DPHHS

09:28:17 Vice Chair Jen Gross

09:28:23 Bruce Spencer, Montana Judges Association

Closing Statement:

09:30:51 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 436.

HEARING ON HB 555 - Revise laws related to counsel for children in abuse and neglect cases

Opening Statement:

09:31:27 Rep. Jennifer Carlson (R), HD 69, opened the hearing on HB 555, Revise laws related to counsel for children in abuse and neglect cases.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

09:38:52 Erica Johnston, Executive Director, Child Welfare Division, Department of Health and Human Services (DPHHS)

09:39:05 Eldena Bear Don't Walk, Montana Office of State Public Defender

Questions from Committee:

09:39:32 Sen. Andrea Olsen

09:39:47 Rep. Jennifer Carlson-R

09:40:47 Sen. Theresa Manzella

Closing Statement:

09:41:29 Rep. Jennifer Carlson (R), HD 69, closed the hearing on HB 555.

HEARING ON HB 452 - Generally revise uniform trust and probate codes

Opening Statement:

09:42:27 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 452, Generally revise uniform trust and probate codes.

Proponent Testimony:

09:44:55 Ed Eck, Uniform Law Commissioner

[EXHIBIT\(230317JUSa1\)](#)

09:51:27 Dirk Williams, State Bar of Montana, BETTR Section

09:55:05 Molly Considine, State Bar of Montana, BETTR Section

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:00:32 Sen. Daniel Emrich

10:01:11 Dirk Williams , State Bar of Montana, BETTR Section

10:02:52 Sen. Daniel Emrich

10:03:56 Rep. Bill Mercer-R

10:06:44 Ed Eck, Uniform Law Commissioner

Closing Statement:

10:08:25 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 452.

HEARING ON HB 457 - Criminalize use of date rape drugs

Opening Statement:

10:09:24 Rep. Alice Buckley (D), HD 63, opened the hearing on HB 457,
Criminalize use of date rape drugs.

Proponent Testimony:

10:12:55 Lorali Michael-Owens, Associated Students of Montana State University

10:14:34 Danielle Pease, self

10:20:09 Jennifer Hensley, County of Missoula

10:23:15 Dan Smith, Police Protective Association

10:24:13 Brian Thompson, Montana County Attorneys (MCA), Montana Sheriffs and Peace Officers Association (MSPOA)

10:24:53 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

10:26:06 Ethan Hanley, Associated Student of University of Montana

10:26:43 Bridget Cooney, Students Against Sexual Assault (SASA)

Opponent Testimony:

None

Informational Witness Testimony:

10:29:50 Elizabeth Smalley, Toxicology Division, Department of Justice (DOJ)

Questions from Committee:

10:30:36 Sen. Daniel Emrich

10:32:15 Brian Thompson, MCA, MSPOA

Closing Statement:

10:35:13 Rep. Alice Buckley (D), HD 63, closed the hearing on HB 457.

EXECUTIVE ACTION ON HB 161 - Generally revise computer crime laws

10:59:22 **Motion:** Sen. Barry Usher moved that **HB 161 BE CONCURRED IN.**

Discussion:

11:01:01 Sen. Steve Hinebauch left the meeting.

11:01:12 **Motion:** Sen. Daniel Emrich moved that **HB 161 BE AMENDED.**

Discussion:

11:01:35 Sen. Daniel Emrich

11:05:28 Chair Keith Regier

11:01:12 **Vote:** Motion carried unanimously by voice vote.

11:06:26 **Motion:** Sen. Barry Usher moved that **HB 161 BE AMENDED.**

Discussion:

- 11:06:53 Sen. Andrea Olsen
- 11:09:25 Sen. Daniel Emrich
- 11:11:50 Chair Keith Regier
- 11:12:00 Sen. Daniel Emrich
- 11:06:26 **Vote:** Motion failed 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Kelker, By Proxy
- 11:14:23 **Motion:** Sen. Barry Usher moved that **HB 161 BE CONCURRED IN AS AMENDED.**
- 11:14:23 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
- 11:14:23 **Carrier Assigned:** Sen. Daniel Emrich

EXECUTIVE ACTION ON HB 301 - Revise laws relating to dangerous drugs

- 11:15:49 **Motion:** Sen. Barry Usher moved that **HB 301 BE CONCURRED IN.**

Discussion:

- 11:16:01 Vice Chair Jen Gross
- 11:17:05 Vice Chair Barry Usher
- 11:15:49 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Emrich, Sen. Gross, Sen. Manzella, Sen. Olsen, Sen. Regier, voting no.
- 11:15:49 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 356 - Establish firearms industry nondiscrimination

- 11:19:18 **Motion:** Sen. Barry Usher moved that **HB 356 BE CONCURRED IN.**

Discussion:

- 11:19:34 Sen. Andrea Olsen
- 11:19:18 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
- 11:19:18 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 397 - Allow DOJ to share SSNs with DOR in certain situations

- 11:21:25 **Motion:** Sen. Barry Usher moved that **HB 397 BE CONCURRED IN.**
- 11:21:25 **Vote:** Motion carried unanimously by voice vote.
- 11:21:25 **Carrier Assigned:** Sen. Jen Gross

EXECUTIVE ACTION ON HB 426 - Revising laws relating to inmates approaching parole eligibility or discharge

- 11:22:50 **Motion:** Sen. Barry Usher moved that **HB 426 BE CONCURRED IN.**
- Discussion:**
- 11:23:01 Sen. Daniel Emrich
- 11:23:39 Vice Chair Jen Gross
- 11:22:50 **Vote:** Motion carried unanimously by voice vote.
- 11:22:50 **Carrier Assigned:** Sen. Tom McGillvray

ADJOURNMENT

Adjournment: 11:25:43

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230317JUSaad\)](#)