

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

Call to Order: Chair Keith Regier-R, on March 21, 2023 at 8:00 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:

HB 256 03/14/2023
HB 512 03/14/2023
HB 518 03/14/2023
HB 681 03/15/2023

Executive Action:

HB 399
HB 457
HB 555
HB 518
HB 256

HEARING ON HB 681 - Revise laws related to sample collection to test for driver intoxication

Opening Statement:

08:02:05 Rep. Michael Yakawich (R), HD 51, opened the hearing on HB 681, Revise laws related to sample collection to test for driver intoxication.

Discussion:

[EXHIBIT\(230321JUSa1\)](#)

Proponent Testimony:

08:06:25 Melissa Dunn, self

08:09:54 Doug Samuelson, Montana Highway Patrol (MHP)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:08:20 Sen. Andrea Olsen

08:09:37 Rep. Michael Yakawich-R

08:11:10 Sen. Andrea Olsen

08:11:51 Doug Samuelson, MHP

08:15:24 Vice Chair Jen Gross

08:15:53 Doug Samuelson, MHP

08:17:58 Vice Chair Jen Gross

08:18:22 Rep. Michael Yakawich-R

08:20:58 Sen. Daniel Emrich

08:21:56 Doug Samuelson, MHP

08:25:26 Sen. Theresa Manzella joined the meeting.

08:26:35 Sen. Susan Webber

08:27:11 Doug Samuelson, MHP

Closing Statement:

08:28:18 Rep. Michael Yakawich (R), HD 51, closed the hearing on HB 681.

Discussion:

08:29:27 Sen. Chris Friedel joined the meeting.

HEARING ON HB 512 - Authorize legislator intervention in lawsuits

Opening Statement:

08:32:28 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 512, Authorize legislator intervention in lawsuits.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:35:56 Sen. Theresa Manzella

08:38:07 Julianne Burkhardt

08:38:16 Vice Chair Jen Gross

08:39:11 Rep. Bill Mercer-R

08:39:15 Sen. Andrea Olsen

08:40:34 Rep. Bill Mercer-R

08:47:31 Sen. Chris Friedel

08:48:23 Rep. Bill Mercer-R

08:48:28 Sen. Andrea Olsen

08:48:58 Rep. Bill Mercer-R
08:54:20 Vice Chair Jen Gross
08:55:51 Rep. Bill Mercer-R
08:56:20 Sen. Daniel Emrich
08:57:39 Rep. Bill Mercer-R

Closing Statement:

09:00:21 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 512.

HEARING ON HB 518 - Authorize standing for legislature to bring lawsuit

Opening Statement:

09:00:34 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 518, Authorize standing for legislature to bring lawsuit.

Proponent Testimony:

09:07:43 John Sinrud, self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:10:34 Vice Chair Jen Gross
09:10:57 Rep. Bill Mercer-R
09:18:12 Sen. Andrea Olsen
09:21:34 Rep. Bill Mercer-R
09:29:53 Sen. Theresa Manzella
09:30:24 Rep. Bill Mercer-R
09:32:38 Vice Chair Jen Gross
09:33:57 Rep. Bill Mercer-R

Closing Statement:

09:34:37 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 518.

HEARING ON HB 256 - Expand when auxiliary officers may carry weapons

Opening Statement:

09:36:40 Rep. Courtenay Sprunger (R), HD 7, opened the hearing on HB 256, Expand when auxiliary officers may carry weapons.

Proponent Testimony:

09:38:28 Charles Pesola, Flathead County Sheriffs' Office (FCSO)

09:44:17 Greg Murphy, Flathead County Sheriffs' Office (FCSO)

09:46:45 Craig Lambrant, self

09:47:32 Brian Thompson, Montana Sheriffs' and Peace Officers Association (MSPOA)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:50:09 Sen. Susan Webber

09:50:21 Charles Pesola, FCSSO

09:51:35 Chair Keith Regier

09:51:52 Charles Pesola, FCSSO

09:53:53 Vice Chair Jen Gross

09:54:16 Charles Pesola, FCSSO

09:55:52 Sen. Theresa Manzella

09:56:22 Brian Thompson, MSPOA

09:58:18 Sen. Theresa Manzella

09:58:30 Charles Pesola, FCSSO

10:00:44 Sen. Chris Friedel

10:00:57 Charles Pesola, FCSSO

Closing Statement:

10:04:56 Rep. Courtenay Sprunger (R), HD 7, closed the hearing on HB 256.

EXECUTIVE ACTION ON HB 399 - Revise certain reporting requirements related to child sexual abuse

10:26:56 **Motion:** Sen. Barry Usher moved that **HB 399 BE CONCURRED IN.**

10:28:19 **Motion:** Sen. Barry Usher moved that **HB 399 BE AMENDED.**

Discussion:

10:30:43 Julianne Burkhardt

10:30:53 Vice Chair Jen Gross

10:28:19 **Vote:** Motion carried unanimously by voice vote.

10:31:49 **Motion:** Sen. Barry Usher moved that **HB 399 BE CONCURRED IN AS AMENDED.**

Discussion:

10:32:08 Sen. Susan Webber

10:33:40 Vice Chair Barry Usher

10:34:30 Vice Chair Jen Gross

10:31:49 **Vote:** Motion carried unanimously by roll call vote.

10:31:49 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 457 - Criminalize use of date rape drugs

10:36:58 **Motion:** Sen. Barry Usher moved that **HB 457 BE CONCURRED IN.**

10:36:58 **Vote:** Motion carried unanimously by voice vote.

10:36:58 **Carrier Assigned:** Sen. Jen Gross

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

10:38:34 **Motion:** Sen. Barry Usher moved that **HB 555 BE CONCURRED IN.**

10:39:30 **Motion:** Sen. Barry Usher moved that **HB 555 BE AMENDED.**

Discussion:

10:39:55 Chair Keith Regier

10:40:05 Julianne Burkhardt

10:41:12 Vice Chair Jen Gross

10:39:30 **Vote:** Motion carried unanimously by voice vote.

10:41:48 **Motion:** Sen. Barry Usher moved that **HB 555 BE CONCURRED IN AS AMENDED.**

10:41:48 **Vote:** Motion carried unanimously by voice vote.

10:41:48 **Carrier Assigned:** Sen. Dennis Lenz

EXECUTIVE ACTION ON HB 518 - Authorize standing for legislature to bring lawsuit

10:45:22 **Motion:** Sen. Barry Usher moved that **HB 518 BE CONCURRED IN.**

Discussion:

10:45:32 Sen. Andrea Olsen

10:45:22 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

10:45:22 **Carrier Assigned:** Sen. Steve Fitzpatrick

EXECUTIVE ACTION ON HB 256 - Expand when auxiliary officers may carry weapons

10:47:39 **Motion:** Sen. Barry Usher moved that **HB 256 BE CONCURRED IN.**

Discussion:

10:47:46 Vice Chair Jen Gross

10:48:28 Chair Keith Regier

10:48:42 Vice Chair Barry Usher

10:47:39 **Vote:** Motion carried unanimously by voice vote.

10:49:33 **Motion:** Sen. Barry Usher moved that **HB 256 BE AMENDED.**

10:49:33 **Vote:** Motion carried unanimously by voice vote.

10:49:53 **Motion:** Sen. Barry Usher moved that **HB 256 BE CONCURRED IN AS AMENDED.**

Discussion:

10:50:00 Sen. Andrea Olsen
10:50:25 Chair Keith Regier
10:50:41 Vice Chair Jen Gross
10:51:22 Sen. Andrea Olsen
10:52:07 Sen. Bob Brown
10:53:31 Sen. Susan Webber
10:49:53 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
10:49:53 **Carrier Assigned:** Sen. Chris Friedel

ADJOURNMENT

Adjournment: 10:56:26

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230321JUSaad\)](#)