

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

Call to Order: Chair Keith Regier-R, on March 28, 2023 at 8:01 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 575 03/23/2023
HB 721 03/23/2023
HB 786 03/23/2023
SB 524 03/23/2023

Executive Action:

HB 410 BE CONCURRED IN
HB 425 BE CONCURRED IN
HB 436 BE CONCURRED IN AS
AMENDED
HB 584 BE CONCURRED IN
HB 598 BE CONCURRED IN
HB 614 BE CONCURRED IN AS
AMENDED
HB 681 TO TABLE

HEARING ON HB 721 - Restrict unborn child from dismemberment abortion

Opening Statement:

08:02:52 Rep. Matt Regier (R), HD 4, opened the hearing on HB 721, Restrict unborn child from dismemberment abortion.

Proponent Testimony:

08:07:39 Gail Asbury, self

[EXHIBIT\(230328JUSa1\)](#)

[EXHIBIT\(230328JUSa2\)](#)

08:10:52 Robin Sertell, self

08:13:20 Jeff Laszloffy, Montana Family Foundation (MFF)

08:15:42 Jill Guthrie, self

08:17:31 Sherri Nason, self

08:19:48 Cathy Carlson, self

08:22:01 Garrett Bacon, self

08:24:38 Tanaia Wise, self

08:27:01 Representative Lola Sheldon-Galloway, HD 22

08:28:16 Matthew Brower, Montana Catholic Conference

08:28:54 Elke West, self

08:30:07 Denise Burke, Alliance Defending Freedom

08:31:55 Jessie Browning, self

Opponent Testimony:

08:33:38 Nicole Smith, Blue Mountain Clinic

08:35:15 Quinn Leighton, Planned Parenthood Advocates of Montana

08:37:42 Senator Shannon O'Brien, SD 46

08:38:34 Shawn Reagor, Montana Human Rights Network (MHRN)

08:39:21 Robin Turner, American Civil Liberties Union of Montana (ACLUMT)
08:41:29 Jean Branscum, Montana Medical Association (MMA)
08:43:20 Robyn Morrison, Montana League of Women Voters
08:44:51 Stephanie McDowell, Bridger Care
08:46:42 Julia Maxon, Montana Women Vote
08:48:00 Caitlin Blau, self
08:49:59 Hillary Anne-Crosby, self
08:51:11 John Marshall, self
08:52:52 Cherilyn DeVries, self

Informational Witness Testimony:

None

Questions from Committee:

08:54:59 Vice Chair Barry Usher
08:55:29 Vice Chair Jen Gross
08:56:00 Chair Keith Regier
08:56:37 Senator Pat Flowers
08:57:44 Robin Turner, ACLUMT
08:59:07 Chair Keith Regier
08:59:43 Sen. Daniel Emrich
09:02:00 Jeff Laszloffy, MFF
09:02:16 Vice Chair Jen Gross
09:02:33 Chair Keith Regier
09:02:51 Sen. Andrea Olsen
09:03:02 Sen. Daniel Emrich
09:03:17 Jeff Laszloffy, MFF

09:05:13 Sen. Theresa Manzella
09:05:27 Sen. Steve Hinebauch
09:05:50 Denise Burke, Alliance Defending Freedom

Closing Statement:

09:06:58 Rep. Matt Regier (R), HD 4, closed the hearing on HB 721.

HEARING ON HB 575 - Prohibit abortion of unborn viable children

Opening Statement:

09:18:53 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 575, Prohibit abortion of unborn viable children.

Proponent Testimony:

09:21:24 Gail Asbury, self
09:23:54 Jeff Laszloffy, Montana Family Foundation
09:26:09 Sherri Nason, self
09:27:49 Tanaia Wise, self
09:29:56 Cathy Carlson, self
09:32:12 Garrett Bacon, self
09:33:02 Matthew Brower, Montana Catholic Conference
09:33:58 Jessie Browning, self
09:35:22 Denise Burke, Alliance Defending Freedom

Opponent Testimony:

09:37:18 Robin Sertell, self
09:38:41 Nicole Smith, Blue Mountain Clinic
09:40:12 Quinn Leighton, Planned Parenthood Advocates of Montana
09:42:10 Robin Turner, American Civil Liberties Union of Montana (ACLUMT)
09:42:43 Shawn Reagor, Montana Human Rights Network (MHRN)

09:43:20 Jean Branscum, Montana Medical Association (MMA)
09:44:19 Robyn Morrison, League of Women Voters for Montana
09:45:54 Sara Wiggins, self
09:47:17 Stephanie McDowell, Bridger Care
09:49:09 Julia Maxon, Montana Women Vote
09:50:19 Elke West, self
09:51:42 Hillary-Anne Crosby, self

Informational Witness Testimony:

None

Questions from Committee:

09:53:58 Sen. Theresa Manzella
09:54:56 Rep. Lola Sheldon-Galloway-R
09:55:26 Sen. Andrea Olsen
09:56:04 Rep. Lola Sheldon-Galloway-R
09:57:04 Sen. Bob Brown
09:57:36 Gail Asbury, self
09:58:09 Sen. Theresa Manzella
09:58:48 Denise Burke, Alliance Defending Freedom
09:59:19 Sen. Susan Webber
09:59:35 Robin Turner, ACLUMT

Closing Statement:

10:00:01 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 575.

HEARING ON HB 786 - Revise laws to require reporting of individuals harmed by abortion pills

Opening Statement:

10:02:25 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 786, Revise laws to require reporting of individuals harmed by abortion pills.

Proponent Testimony:

10:05:01 Gail Asbury, self

10:05:51 Robin Sertell, self

[EXHIBIT\(230328JUSa3\)](#)

10:08:01 Jeff Laszloffy, Montana Family Foundation

10:09:35 Cathy Carlson, self

10:10:49 Tanaia Wise, self

10:13:01 Garrett Bacon, self

10:13:50 Matthew Brower, Montana Catholic Conference

10:14:39 Donna Elford, self

Opponent Testimony:

10:16:26 Nicole Smith, Blue Mountain Clinic

10:19:54 Senator Shannon O'Brien, SD 46

10:20:31 Quinn Leighton, Planned Parenthood Advocates of Montana

10:21:38 Robin Turner, American Civil Liberties Union of Montana (ACLUMT)

10:22:47 Shawn Reagor, Montana Human Rights Network (MHRN)

10:24:52 Stephanie McDowell, Bridger Care

10:26:22 Sara Wiggins, self

Informational Witness Testimony:

None

Questions from Committee:

10:28:39 Sen. Susan Webber

10:29:03 Nicole Smith, Blue Mountain Clinic

10:30:09 Sen. Andrea Olsen
10:31:04 Nicole Smith, Blue Mountain Clinic
10:31:26 Sen. Daniel Emrich
10:32:15 Rep. Lola Sheldon-Galloway-R
10:32:55 Sen. Andrea Olsen
10:33:56 Sen. Theresa Manzella
10:34:50 Donna Elford, self
10:35:13 Sen. Andrea Olsen
10:37:16 Rep. Lola Sheldon-Galloway-R
10:37:30 Sen. Daniel Emrich
10:38:27 Nicole Smith, Blue Mountain Clinic
10:38:56 Sen. Andrea Olsen
10:39:30 Rep. Lola Sheldon-Galloway-R
10:39:39 Sen. Theresa Manzella
10:40:11 Nicole Smith, Blue Mountain Clinic
10:40:53 Chair Keith Regier

Closing Statement:

10:41:00 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 786.

HEARING ON SB 524 - Revise unrelated business taxable income to include certain legal fees

Opening Statement:

10:42:27 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 524, Revise unrelated business taxable income to include certain legal fees.

Discussion:

[EXHIBIT\(230328JUSa4\)](#)

Proponent Testimony:

None

Opponent Testimony:

10:46:53 Liz Moore, Montana Non-Profit Association
[EXHIBIT\(230328JUSa5\)](#)

10:49:21 Derf Johnson, Montana Environmental Information Center (MEIC)

10:51:49 MaKenna Sellers, Montana Renewable Energy Association

10:53:08 Norane Appling-Freistadt, self
[EXHIBIT\(230328JUSa6\)](#)

10:55:20 Keegan Medrano, American Civil Liberties Union of Montana (ACLUMT)

10:57:29 Amy Seaman, Montana Audubon Society

10:58:37 Nevin Graves, self

10:59:55 Ellen Pfister, self

11:02:06 Seth Newton, self

11:03:53 Lori Byron, Reach Out and Read Crow Agency

11:05:12 Richard Parks, Northern Plains Resource Council

Informational Witness Testimony:

11:07:28 Mark Schoenfeld, Montana Department of Revenue (DOR)

Questions from Committee:

11:08:37 Sen. Andrea Olsen

11:09:22 Derf Johnson, MEIC

11:11:15 Sen. Susan Webber

11:11:37 Mark Schoenfeld, DOR

11:12:36 Sen. Andrea Olsen

11:13:58 Mark Schoenfeld, DOR

11:14:18 Sen. Susan Webber
11:14:58 Mark Schoenfeld, DOR
11:15:16 Sen. Andrea Olsen
11:16:43 Derf Johnson, MEIC
11:16:50 Sen. Daniel Emrich
11:17:16 Sen. Greg Hertz-R
11:20:41 Sen. Chris Friedel
11:20:46 Sen. Greg Hertz-R
11:21:15 Vice Chair Jen Gross
11:21:46 Sen. Greg Hertz-R
11:22:07 Sen. Bob Brown
11:22:32 Sen. Greg Hertz-R

Closing Statement:

11:23:01 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 524.

EXECUTIVE ACTION ON HB 410 - Establish a time limit for service of process

11:43:27 **Motion:** Vice Chair Barry Usher moved that **HB 410 BE CONCURRED IN.**

Discussion:

11:43:55 Sen. Andrea Olsen
11:44:58 Chair Keith Regier
11:45:16 Vice Chair Barry Usher
11:46:13 Sen. Andrea Olsen
09:31:44 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
11:43:27 **Carrier Assigned:** Sen. Steve Fitzpatrick

**EXECUTIVE ACTION ON HB 425 - Generally revising laws rel. to restitution payments
under the Youth Court Act**

11:47:42 **Motion:** Vice Chair Barry Usher moved that **HB 425 BE CONCURRED IN.**

Discussion:

11:48:02 Vice Chair Jen Gross

09:31:44 **Vote:** Motion carried unanimously by voice vote.

11:47:42 **Carrier Assigned:** Sen. Jen Gross

EXECUTIVE ACTION ON HB 436 - Revise laws regarding the substitution of judges

11:50:07 **Motion:** Vice Chair Barry Usher moved that **HB 436 BE CONCURRED IN.**

11:50:32 **Motion:** Sen. Daniel Emrich moved that **HB 436 BE AMENDED.**

Discussion:

11:51:30 Sen. Daniel Emrich

11:51:41 Vice Chair Jen Gross

11:52:06 Chair Keith Regier

11:52:09 Sen. Daniel Emrich

11:52:12 Sen. Andrea Olsen

11:52:53 Sen. Daniel Emrich

09:31:44 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:54:17 **Motion:** Vice Chair Barry Usher moved that **HB 436 BE CONCURRED IN AS AMENDED.**

09:31:44 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:54:17 **Carrier Assigned:** Sen. Daniel Emrich

**EXECUTIVE ACTION ON HB 584 - Revise government lawsuit laws relating to firearms
and ammunition**

11:55:38 **Motion:** Vice Chair Barry Usher moved that **HB 584 BE CONCURRED IN.**

11:55:53 **Motion:** Sen. Andrea Olsen moved that **HB 584 BE AMENDED.**

Discussion:

- 11:56:30 Sen. Andrea Olsen
- 11:58:00 Chair Keith Regier
- 11:58:16 Vice Chair Barry Usher
- 11:58:52 Sen. Andrea Olsen
- 11:59:18 Chair Keith Regier
- 11:59:50 Sen. Daniel Emrich
- 12:00:34 Vice Chair Jen Gross
- 12:00:57 Sen. Andrea Olsen
- 12:02:43 Sen. Daniel Emrich
- 09:31:44 **Vote:** Motion failed 6 - 5 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Manzella, Sen. Olsen, Sen. Webber, voting yes.
Sen. Kelker, By Proxy
- 12:03:36 **Motion:** Vice Chair Barry Usher moved that **HB 584 BE CONCURRED IN.**
- 09:31:44 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
- 12:03:36 **Carrier Assigned:** Sen. Jeremy Trebas

EXECUTIVE ACTION ON HB 598 - Prohibit use of ranked-choice voting methods

- 12:05:15 **Motion:** Vice Chair Barry Usher moved that **HB 598 BE CONCURRED IN.**

Discussion:

- 12:05:22 Vice Chair Jen Gross
- 12:05:43 Sen. Andrea Olsen
- 12:06:26 Sen. Steve Hinebauch
- 12:06:50 Vice Chair Jen Gross
- 09:31:44 **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
- 12:05:15 **Carrier Assigned:** Sen. Steve Hinebauch

EXECUTIVE ACTION ON HB 614 - Generally revise youth court laws

12:08:30 **Motion:** Vice Chair Barry Usher moved that **HB 614 BE CONCURRED IN.**

12:08:54 **Motion:** Vice Chair Barry Usher moved that **HB 614 BE AMENDED.**

Discussion:

12:09:05 Julianne Burkhardt

12:11:37 Chair Keith Regier

12:12:02 Vice Chair Jen Gross

12:13:14 Chair Keith Regier

12:13:25 Vice Chair Barry Usher

09:31:44 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

12:14:11 **Motion:** Vice Chair Barry Usher moved that **HB 614 BE CONCURRED IN AS AMENDED.**

Discussion:

12:14:18 Chair Keith Regier

12:14:24 Sen. Andrea Olsen

12:16:14 Chair Keith Regier

12:17:14 Vice Chair Jen Gross

09:31:44 **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

12:14:11 **Carrier Assigned:** Sen. Keith Regier

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

12:27:04 **Motion:** Vice Chair Barry Usher moved that **HB 681 TO TABLE.**

09:31:44 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 12:27:46

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230328JUSaad\)](#)