

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

Call to Order: Chair Keith Regier-R, on March 29, 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. 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 16 03/21/2023
HB 174 03/21/2023
HB 545 03/21/2023
SB 272 03/21/2023
SR 65 03/21/2023

Executive Action:

HB 624 TO TABLE
HB 661
HB 689
SR 65 DO PASS

08:01:06 Senator Jason Ellsworth present at roll call.

HEARING ON SR 65 - Confirm appointee for chief water judge

Opening Statement:

08:02:42 Chair Keith Regier (R), SD 3, opened the hearing on SR 65, Confirm appointee for chief water judge.

Discussion:

[EXHIBIT\(230329JUSa1\)](#)

Proponent Testimony:

08:03:45 Judge Russell McElyea, Montana Water Court

[EXHIBIT\(230329JUSa2\)](#)

[EXHIBIT\(230329JUSa3\)](#)

08:12:19 John Metropoulos, self

08:13:43 Lieutenant Governor Kristen Juras, Governors Office

08:14:32 Mike Murphy, Montana Water Resources Association (MWRA)

08:15:39 Rachel Cone, Montana Farm Bureau Federation (MFBF)

[EXHIBIT\(230329JUSa4\)](#)

08:17:59 Clayton Elliot, Montana Trout Unlimited

08:18:00 Sean Slanger, Montana State Bar

08:18:06 Julia Nordlund, Senior Water Master, Montana Water Court

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:20:41 Sen. Chris Friedel
08:21:04 Judge Russell McElyea, Montana Water Court
08:21:37 Sen. Susan Webber
08:21:51 Judge Russell McElyea, Montana Water Court
08:22:11 Vice Chair Jen Gross
08:23:02 Lieutenant Governor Kristen Juras, Governors Office
08:23:14 Sen. Chris Friedel
08:23:20 Judge Russell McElyea, Montana Water Court
08:32:44 Sen. Bob Brown
08:35:27 Judge Russell McElyea, Montana Water Court
08:39:18 Vice Chair Barry Usher
08:40:56 Judge Russell McElyea, Montana Water Court

Closing Statement:

08:41:03 Chair Keith Regier (R), SD 3, closed the hearing on SR 65.

HEARING ON HB 16 - Revise laws relating to child abuse and neglect proceedings

Opening Statement:

08:41:25 Rep. Jennifer Carlson (R), HD 69, opened the hearing on HB 16, Revise laws relating to child abuse and neglect proceedings.

Proponent Testimony:

08:48:56 Senator Dennis Lenz, self
08:50:55 Nikki Grossberg, Child and Family Services, Department of Public Health and Human Services (DPHHS)
08:52:41 Heather Webster, Senior Deputy County Attorney, Child Abuse and Neglect Division, Yellowstone County

08:55:14 Nanette Gilbertson, Montana County Attorneys Association (MCAA)

08:56:12 Senator Shannon O'Brien, self

08:58:13 Ta'jin Perez, Western Native Voice (WNV)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:58:40 Vice Chair Jen Gross

08:59:24 Rep. Jennifer Carlson-R

09:00:50 Vice Chair Jen Gross

09:01:24 Rep. Jennifer Carlson-R

09:01:51 Heather Webster

09:02:44 Vice Chair Barry Usher

09:02:51 Sen. Susan Webber

09:04:27 Senator Lenz

09:05:26 Sen. Susan Webber

09:05:42 Senator Lenz

Closing Statement:

09:06:34 Rep. Jennifer Carlson (R), HD 69, closed the hearing on HB 16.

HEARING ON HB 174 - Requiring certain costs paid to detention centers to be based on actual costs

Opening Statement:

09:09:19 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 174, Requiring certain costs paid to detention centers to be based on actual costs.

Proponent Testimony:

09:14:13 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

09:17:11 Karen Alley, Montana Association of Counties (MACo)

09:18:52 Dan Brooks, Billings Chamber of Commerce

Opponent Testimony:

09:20:19 Senator Shanan O'Brien

Informational Witness Testimony:

None

Questions from Committee:

09:21:44 Sen. Chris Friedel

09:22:26 Rep. Kerri Seekins-Crowe-R

09:23:45 Sen. Susan Webber

09:24:18 Nanette Gilbertson MT Sheriffs and Peace Officer Association & MT Country Attorneys Association

09:24:49 Sen. Susan Webber

09:25:28 Nanette Gilbertson, MSPOA

09:26:42 Sen. Andrea Olsen

09:27:02 Rep. Kerri Seekins-Crowe-R

09:27:34 Sen. Andrea Olsen

09:28:11 Rep. Kerri Seekins-Crowe-R

09:30:05 Vice Chair Barry Usher

09:30:51 Nanaette Gilbertson, MSPOA

09:31:25 Vice Chair Barry Usher

09:31:42 Nanette Gilbertson, MSPOA

09:32:37 Vice Chair Barry Usher

Closing Statement:

09:32:55 Rep. Kerri Seekins-Crowe (R), HD 43, closed the hearing on HB 174.

HEARING ON HB 545 - Revise state laws to recognize creation of US Space Force

Opening Statement:

09:34:09 Rep. Edward Buttrey (R), HD 21, opened the hearing on HB 545, Revise state laws to recognize creation of US Space Force.

Proponent Testimony:

09:36:26 Major J. Peter Hronek, Department of Military Affairs

09:37:50 Roger Hagan, Montana National Guard Officers and Enlisted Association

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:38:55 Sen. Andrea Olsen

09:39:50 Rep. Edward Buttrey-R

09:40:32 Sen. Andrea Olsen

09:41:45 Roger Hagan, Montana National Guard

09:42:54 Vice Chair Barry Usher

09:43:10 Roger Hagan, Montana National Guard

09:43:29 Sen. Susan Webber

09:44:00 Roger Hagan, Montana National Guard

09:44:59 Vice Chair Barry Usher

09:45:37 Roger Hagan, Montana National Guard

Closing Statement:

09:46:12 Rep. Edward Buttrey (R), HD 21, closed the hearing on HB 545.

HEARING ON SB 272 - Constitutional amendment to secure the office of county sheriff

Opening Statement:

09:46:57 Sen. Theresa Manzella (R), SD 85, opened the hearing on SB 272, Constitutional amendment to secure the office of county sheriff.

Discussion:

[EXHIBIT\(230329JUSa5\)](#)

Proponent Testimony:

09:51:24 Gary Marbut, Montana Shooting Sports Association (MSSA)

09:56:03 Tiffany Neumenn, self

09:56:56 Garrett Bacon, self

09:57:57 Anna Shchemlilin, self

Opponent Testimony:

10:00:20 Senator Shannon O'Brien, self

10:02:09 Shelby DeMars, Montana Police Protective Association (MPPA)

10:03:45 Mark Kraft, Montana Association of Chiefs of Police (MACP)

10:05:20 Robyn Morrison, League of Women Voters of Montana

10:07:27 Travis McAdam, Montana Human Rights Network (MHRN)

Informational Witness Testimony:

10:09:10 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

Questions from Committee:

10:09:54 Sen. Steve Hinebauch
10:10:25 Senator Shannon O'Brien, self
10:12:29 Vice Chair Jen Gross
10:12:42 Sen. Steve Hinebauch
10:12:57 Vice Chair Barry Usher
10:13:15 Sen. Bob Brown
10:13:45 Gary Marbut, MSSA
10:14:50 Sen. Andrea Olsen
10:15:38 Sen. Theresa Manzella-R
10:17:12 Sen. Andrea Olsen
10:17:37 Robyn Morrison, League of Women Voters of Montana
10:18:22 Sen. Susan Webber
10:20:42 Sen. Theresa Manzella-R
10:22:15 Vice Chair Jen Gross
10:22:20 Sen. Theresa Manzella-R
10:22:48 Sen. Daniel Emrich
10:23:53 Gary Marbut, MSSA
10:27:52 Sen. Bob Brown
10:28:40 Gary Marbut, MSSA
10:28:45 Vice Chair Barry Usher
10:28:59 Gary Marbut, MSSA

Closing Statement:

10:29:27 Sen. Theresa Manzella (R), SD 85, closed the hearing on SB 272.

EXECUTIVE ACTION ON HB 624 - Revise laws related to officers of court

- 10:51:02 **Motion:** Sen. Barry Usher moved that **HB 624 TO TABLE.**
- 10:51:02 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Friedel, Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON HB 661 - Allowing court to consider dangerousness/lethality assessment

- 10:53:16 **Motion:** Sen. Barry Usher moved that **HB 661 BE CONCURRED IN.**
- Discussion:**
- 10:53:22 Sen. Chris Friedel
- 10:54:50 Sen. Susan Webber
- 10:55:30 Sen. Theresa Manzella
- 10:56:40 Vice Chair Jen Gross
- 10:58:17 Sen. Daniel Emrich
- 10:59:33 Sen. Chris Friedel
- 10:53:16 **Vote:** Motion carried unanimously by voice vote.
- 10:53:16 **Carrier Assigned:** Sen. Jen Gross

EXECUTIVE ACTION ON HB 689 - Revise probation/parole supervision laws

- 11:03:07 **Motion:** Sen. Barry Usher moved that **HB 689 BE CONCURRED IN.**
- 11:03:11 **Motion:** Sen. Barry Usher moved that **HB 689 BE AMENDED.**
- Discussion:**
- 11:03:16 Julianne Burkhardt
- 11:05:04 Vice Chair Jen Gross
- 11:03:11 **Vote:** Motion carried unanimously by voice vote.
- 11:05:40 **Motion:** Sen. Barry Usher moved that **HB 689 BE CONCURRED IN AS AMENDED.**
- Discussion:**
- 11:05:48 Vice Chair Jen Gross
- 11:06:23 Chair Keith Regier

11:06:31 Julianne Burkhardt
11:06:59 Vice Chair Barry Usher
11:08:10 Vice Chair Jen Gross
11:09:01 Chair Keith Regier
11:09:08 Vice Chair Jen Gross
11:09:14 Brian Thompson, MSPOA
11:11:09 Sen. Andrea Olsen
11:11:29 Sen. Daniel Emrich
11:12:55 Sen. Susan Webber
11:13:43 Sen. Andrea Olsen
11:15:20 Julianne Burkhardt
11:15:39 Sen. Andrea Olsen
11:05:40 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
11:05:40 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON SR 65 - Confirm appointee for chief water judge

11:15:02 **Motion:** Sen. Theresa Manzella moved that **SR 65 DO PASS.**
11:15:02 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 11:20:19

Additional Documents: [EXHIBIT\(230329JUSaad\)](#)