

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

Call to Order: Chair Keith Regier-R, on March 30, 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 37 03/23/2023
HB 255 03/23/2023
HB 309 03/23/2023
HB 362 03/23/2023
HB 500 03/23/2023
HB 541 03/23/2023
SB 555 03/28/2023

Executive Action:

SB 524 DO PASS AS AMENDED
SB 272 DO PASS
HB 786
SB 518 DO PASS
HB 721
HB 695

SB 555 DO PASS

HEARING ON SB 555 - Provide for special spousal trusts with property treated as community property

Opening Statement:

08:02:38 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 555, Provide for special spousal trusts with property treated as community property.

Proponent Testimony:

None

Opponent Testimony:

08:06:04 Craig Charlton, self

Informational Witness Testimony:

08:07:10 David Merrien, Montana Department of Revenue

Questions from Committee:

08:07:52 Sen. Andrea Olsen

08:08:44 Sen. Greg Hertz-R

08:09:02 Sen. Andrea Olsen

08:09:24 Craig Charlton, self

08:11:18 Chair Keith Regier

08:11:33 Craig Charlton, self

08:11:57 Sen. Theresa Manzella

08:12:43 Sen. Greg Hertz-R

08:14:20 Chair Keith Regier

08:14:26 Sen. Greg Hertz-R

08:14:29 Chair Keith Regier

08:14:43 David Merrien, Montana Department of Revenue

08:16:30 Sen. Andrea Olsen

08:17:50 Sen. Greg Hertz-R

08:19:21 Craig Charlton, self

Closing Statement:

08:20:33 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 555.

HEARING ON HB 500 - Eliminating youth court fees, costs, and certain fines and financial obligations

Opening Statement:

08:21:58 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 500, Eliminating youth court fees, costs, and certain fines and financial obligations.

Discussion:

[EXHIBIT\(230330JUSa1\)](#)

Proponent Testimony:

08:24:47 Maggie Bornstein, American Civil Liberties Union of Montana (ACLU MT)

08:26:17 Myshell Lyday, Avitium Partners

08:28:15 Nicole Gomez, Montana Women Vote

Opponent Testimony:

None

Informational Witness Testimony:

08:29:21 Tom Billteen, Youth Court Services, Montana Judicial Branch

Questions from Committee:

08:30:08 Chair Keith Regier

08:30:53 Rep. Kerri Seekins-Crowe-R

08:31:26 Myshell Myday, Avitium Partners

08:32:05 Chair Keith Regier

08:32:21 Tom Billteen, Youth Court Services, Montana Judicial Branch

Closing Statement:

08:33:51 Rep. Kerri Seekins-Crowe (R), HD 43, closed the hearing on HB 500.

HEARING ON HB 37 - Generally revise child abuse and neglect laws

Opening Statement:

08:35:55 Rep. Jennifer Carlson (R), HD 69, opened the hearing on HB 37, Generally revise child abuse and neglect laws.

Discussion:

[EXHIBIT\(230330JUSa2\)](#)

Proponent Testimony:

08:54:19 Maggie Bornstein, American Civil Liberties Union of Montana (ACLU MT)
08:56:33 Liam McCollum, Americans For Prosperity Montana
08:57:38 Denise Johnson, Montana Child Protection Alliance

Opponent Testimony:

08:58:55 Nikki Grossberg, Child and Family Services, Department of Public Health and Human Services (DPHHS)
09:01:21 Heather Webster, Child Abuse and Neglect Division, Yellowstone County Attorney
09:03:36 Lauren Wilson, Montana American Academy of Pediatrics (MAAP)

Informational Witness Testimony:

09:06:27 Kelly Driscoll, Office of State Public Defender Montana
09:06:49 Brett Schandelson, Office of State Public Defender Montana

Questions from Committee:

09:07:16 Sen. Theresa Manzella
09:08:58 Nikki Grossberg, DPHHS
09:11:39 Chair Keith Regier
09:12:01 Rep. Jennifer Carlson-R
09:13:10 Chair Keith Regier
09:13:23 Nikki Grossberg, DPHHS

09:14:05 Sen. Bob Brown

09:14:55 Julianne Burkhardt

09:16:31 Sen. Susan Webber

09:17:11 Heather Webster, Child Abuse and Neglect Division, Yellowstone County Attorney

09:18:56 Sen. Daniel Emrich

09:19:47 Heather Webster, Child Abuse and Neglect Division, Yellowstone County Attorney

09:21:52 Sen. Daniel Emrich

09:22:43 Nikki Grossberg, DPHHS

09:25:43 Sen. Theresa Manzella

09:26:59 Rep. Jennifer Carlson-R

09:29:58 Vice Chair Jen Gross

09:33:01 Heather Webster, Child Abuse and Neglect Division, Yellowstone County Attorney

09:35:43 Vice Chair Jen Gross

09:35:55 Maggie Bornstein, ACLUMT

09:37:04 Sen. Susan Webber

09:37:22 Kelly Driscoll, Office of State Public Defender Montana

09:38:04 Brett Schandelson, Office of State Public Defender Montana

Closing Statement:

09:41:39 Rep. Jennifer Carlson (R), HD 69, closed the hearing on HB 37.

HEARING ON HB 541 - Require interest on criminal restitution and fines

Opening Statement:

09:46:01 Rep. Brandon Ler (R), HD 35, opened the hearing on HB 541, Require interest on criminal restitution and fines.

Proponent Testimony:

09:47:28 Brian Thompson, Montana Collectors Association
09:49:24 Jennifer Whipple, Collection Bureau Services
09:50:51 Jason Rittal, Montana Association of Counties
09:51:34 Erica Devries, Collection Bureau Services

Opponent Testimony:

09:52:36 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)
09:54:12 Nicole Gomez, Montana Women Vote

Informational Witness Testimony:

None

Questions from Committee:

09:55:33 Sen. Theresa Manzella
09:55:58 Jennifer Whipple, Collection Bureau Services
09:56:21 Sen. Susan Webber
09:56:53 Rep. Brandon Ler-R
09:59:04 Chair Keith Regier
09:59:17 Vice Chair Jen Gross
09:59:29 Rep. Brandon Ler-R
09:59:43 Brian Thompson, Montana Collectors Association
10:00:41 Sen. Andrea Olsen
10:03:11 Jason Rittal, Montana Association of Counties
10:04:34 Sen. Chris Friedel
10:04:57 Rep. Brandon Ler-R
10:05:42 Sen. Andrea Olsen
10:07:10 Maggie Bornstein, ACLUMT

Closing Statement:

10:08:37 Rep. Brandon Ler (R), HD 35, closed the hearing on HB 541.

HEARING ON HB 255 - Generally revise catalytic converter sale laws

Opening Statement:

10:09:37 Rep. Greg Oblander (R), HD 40, opened the hearing on HB 255,
Generally revise catalytic converter sale laws.

Proponent Testimony:

10:14:06 Bran Thompson, Montana Sheriffs and Peace Officers Association
(MSPOA)

10:16:09 Dan Smith, Montana Police Protective Association

Opponent Testimony:

10:17:09 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)

Informational Witness Testimony:

10:18:51 Brett Schandelson, Office of State Public Defender Montana

Questions from Committee:

10:19:15 Vice Chair Barry Usher

10:19:51 Maggie Bornstein, ACLUMT

10:20:49 Vice Chair Barry Usher

10:21:11 Brian Thompson, MSPOA

10:21:45 Sen. Steve Hinebauch

10:22:02 Brian Thompson, MSPOA

10:22:40 Sen. Daniel Emrich

10:23:58 Sen. Bob Brown

10:25:30 Rep. Greg Oblander-R

Closing Statement:

10:26:55 Rep. Greg Oblander (R), HD 40, closed the hearing on HB 255.

HEARING ON HB 309 - Revise voting requirements of quasi-judicial boards

Opening Statement:

10:28:10 Rep. Tony Brockman (R), HD 9, opened the hearing on HB 309, Revise voting requirements of quasi-judicial boards.

Proponent Testimony:

10:29:41 Lieutenant Governor Kristen Juras, Governor's Office

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:32:23 Vice Chair Barry Usher

10:32:36 Lieutenant Governor Kristen Juras, Governor's Office

Closing Statement:

10:33:02 Rep. Tony Brockman (R), HD 9, closed the hearing on HB 309.

HEARING ON HB 362 - Revise laws related to the crisis intervention team training program

Opening Statement:

10:33:56 Rep. Denise Baum (D), HD 47, opened the hearing on HB 362, Revise laws related to the crisis intervention team training program.

Proponent Testimony:

10:38:41 Rebecca Decamera, Developmental Disabilities Division, Department of Public Health and Human Services (DPHHS)

10:39:34 Senator Shannon O'Brien, self

10:40:17 Jim Anderson, Montana Department of Corrections (DOC)

10:41:51 Shane Hildenstab, Montana Department of Corrections (DOC)

10:43:00 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)
10:43:53 Greg Homlund, Deputy Officer, Lewis and Clark County
[EXHIBIT\(230330JUSa3\)](#)
10:47:02 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)
10:47:55 Leo Dutton, Sherriff Coroner, Lewis and Clark County
10:50:10 Dan Smith, Montana Police Protective Association (MPPA)
10:50:47 Shawn Reagor, Montana Human Rights Network (MHRN)

Opponent Testimony:

None

Informational Witness Testimony:

10:51:25 Natalia Bowser, Montana Board of Crime Control

Questions from Committee:

10:51:57 Sen. Susan Webber
10:52:19 Shane Hildenstab, (DOC)
10:52:51 Chair Keith Regier
10:53:11 Natalia Bowser, Montana Board of Crime Control
10:55:01 Chair Keith Regier
10:55:23 Rebecca Decamera, (DPHHS)
10:56:41 Vice Chair Jen Gross
10:57:17 Rep. Denise Baum-D
10:57:20 Sen. Theresa Manzella
10:58:42 Rep. Denise Baum-D
11:02:16 Natalia Bowser, Montana Board of Crime Control
11:03:38 Sen. Daniel Emrich

11:04:14 Natalia Bowser, Montana Board of Crime Control
11:06:38 Vice Chair Barry Usher
11:07:08 Nanette Gilbertson, MSPOA
11:09:37 Sen. Daniel Emrich
11:10:49 Natalia Bowser, Montana Board of Crime Control

Closing Statement:

11:11:43 Rep. Denise Baum (D), HD 47, closed the hearing on HB 362.

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

11:37:29 **Motion:** Sen. Barry Usher moved that **SB 524 DO PASS.**

11:37:32 **Motion:** Sen. Barry Usher moved that **SB 524 BE AMENDED.**

Discussion:

11:37:54 Julianne Burkhardt

11:39:45 Vice Chair Jen Gross

11:40:02 Chair Keith Regier

11:40:05 Sen. Andrea Olsen

11:37:32 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:42:52 **Motion:** Sen. Andrea Olsen moved that **SB 524 BE AMENDED.**

Discussion:

11:42:59 Sen. Andrea Olsen

11:44:59 Chair Keith Regier

11:46:54 Vice Chair Barry Usher

11:47:20 Vice Chair Jen Gross

11:47:52 Sen. Andrea Olsen

11:49:12 Sen. Steve Hinebauch

11:42:52 **Vote:** Motion failed 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Kelker, By Proxy

11:49:58 **Motion:** Sen. Barry Usher moved that **SB 524 DO PASS AS AMENDED.**

Discussion:

11:50:04 Vice Chair Jen Gross

11:50:55 Sen. Andrea Olsen

11:51:29 Chair Keith Regier

11:49:58 **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 272 - Constitutional amendment to secure the office of county sheriff

11:53:11 **Motion:** Sen. Theresa Manzella moved that **SB 272 DO PASS.**

Discussion:

11:53:40 Vice Chair Jen Gross

11:54:13 Sen. Andrea Olsen

11:55:12 Sen. Daniel Emrich

11:55:36 Vice Chair Jen Gross

11:56:13 Chair Keith Regier

11:53:11 **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 HB 786 - Revise laws to require reporting of individuals harmed by abortion pills

11:58:51 **Motion:** Sen. Barry Usher moved that **HB 786 BE CONCURRED IN.**

Discussion:

11:59:06 Vice Chair Jen Gross

12:01:08 Sen. Bob Brown

12:01:46 Sen. Steve Hinebauch

12:02:01 Sen. Daniel Emrich

12:03:02 Vice Chair Jen Gross
12:03:24 Sen. Andrea Olsen
12:03:50 Julianne Burkhardt
12:04:39 Chair Keith Regier
11:58:51 **Vote:** Motion carried 7 - 4 by voice vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
11:58:51 **Carrier Assigned:** Sen. Theresa Manzella

EXECUTIVE ACTION ON SB 518 - Revise parental rights laws to increase parental involvement in education

12:05:41 **Motion:** Sen. Theresa Manzella moved that **SB 518 DO PASS.**
12:06:31 **Motion:** Sen. Theresa Manzella moved that **SB 518 BE AMENDED.**
Discussion:
12:06:42 Sen. Theresa Manzella
12:08:43 Vice Chair Jen Gross
12:12:08 Sen. Andrea Olsen
12:13:12 Sen. Daniel Emrich
12:14:28 Sen. Theresa Manzella
12:15:57 Sen. Daniel Emrich
12:16:50 Julianne Burkhardt
12:06:31 **Vote:** Motion failed 6 - 5 by roll call vote with Sen. Brown, Sen. Friedel, Sen. Hinebauch, Sen. Manzella, Sen. Regier, voting yes.
12:20:34 **Motion:** Sen. Barry Usher moved that **SB 518 DO PASS.**
Discussion:
12:20:41 Sen. Andrea Olsen
12:20:34 **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 HB 721 - Restrict unborn child from dismemberment abortion

12:23:24 **Motion:** Sen. Barry Usher moved that **HB 721 BE CONCURRED IN.**

Discussion:

- 12:23:36 Vice Chair Jen Gross
- 12:25:18 Chair Keith Regier
- 12:25:28 Sen. Andrea Olsen
- 12:23:24 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
- 12:23:24 **Carrier Assigned:** Sen. Steve Hinebauch

EXECUTIVE ACTION ON HB 695 - Revise TRO standard for suits against the state and subdivisions of government

- 12:27:27 **Motion:** Sen. Barry Usher moved that **HB 695 BE CONCURRED IN.**
- 12:27:27 **Vote:** Motion carried 7 - 4 by voice vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy
- 12:27:27 **Carrier Assigned:** Sen. Keith Regier

EXECUTIVE ACTION ON SB 555 - Provide for special spousal trusts with property treated as community property

- 12:29:05 **Motion:** Sen. Barry Usher moved that **SB 555 DO PASS.**

Discussion:

- 12:31:33 Sen. Andrea Olsen
- 12:32:53 Vice Chair Jen Gross
- 12:33:40 Sen. Chris Friedel
- 12:34:05 Vice Chair Jen Gross
- 12:35:38 Chair Keith Regier
- 12:35:57 Sen. Daniel Emrich
- 12:29:05 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

ADJOURNMENT

Adjournment: 12:39:42

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230330JUSaad\)](#)