

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

Call to Order: Chair Keith Regier-R, on March 31, 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 654 03/29/2023
HB 659 03/29/2023
HB 674 03/29/2023
HB 680 03/29/2023
HB 704 03/29/2023
HB 735 03/17/2023
SB 559 03/30/2023

Executive Action:

SB 559 DO PASS
HB 361
HB 692 TO TABLE
HB 690 TO TABLE
HB 309

HEARING ON HB 704 - Revise laws related to expungement of dui

Opening Statement:

08:03:17 Rep. Scot Kerns (R), HD 23, opened the hearing on HB 704, Revise laws related to expungement of dui.

Proponent Testimony:

08:07:30 Maggie Bornstein, American Civil Liberties Union of Montana (ACLU MT)

Opponent Testimony:

08:08:21 Mary Barry, Lewis and Clark County Attorney's Office

08:10:43 Brian Thompson, Montana County Attorneys Association (MCAA),
Montana Sheriffs and Peace Officers Association (MSPOA)

08:12:47 Fallon Stanton, self

08:14:55 Dan Smith, Montana Police Protective Association (MPPA)

08:15:55 Daniel Kalbacher, Association of Montana Troopers (AMT)

Informational Witness Testimony:

08:18:20 Russ Christoferson, Bureau Chief of Montana

Questions from Committee:

08:19:29 Chair Keith Regier

08:19:45 Dan Smith, MPPA

08:22:04 Chair Keith Regier

08:22:17 Rep. Scot Kerns-R

08:22:55 Sen. Theresa Manzella

08:23:15 Rep. Scot Kerns-R

08:24:13 Sen. Theresa Manzella

08:25:28 Sen. Bob Brown

08:25:32 Mary Barry, Lewis and Clark County Attorney's Office

08:26:53 Sen. Daniel Emrich

08:27:24 Dan Smith, MPPA
08:27:46 Mary Barry, Lewis and Clark County Attorney's Office
08:28:16 Sen. Daniel Emrich
08:29:03 Rep. Scot Kerns-R

Closing Statement:

08:31:08 Rep. Scot Kerns (R), HD 23, closed the hearing on HB 704.

HEARING ON SB 559 - Revise adult guardianship laws

Opening Statement:

08:33:20 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 559, Revise adult guardianship laws.

Proponent Testimony:

08:39:15 Mike Batista, AARP Montana State Office

Opponent Testimony:

None

Informational Witness Testimony:

08:41:16 Barb Smith, Adult Protective Services, Department of Public Health and Human Services (DPHHS)

Questions from Committee:

08:41:58 Sen. Theresa Manzella
08:42:35 Barb Smith, DPHHS
08:43:28 Chair Keith Regier
08:44:00 Barb Smith, DPHHS
08:44:40 Sen. Susan Webber
08:45:20 Sen. Jeremy Trebas-R

Closing Statement:

08:45:27 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 559.

HEARING ON HB 659 - Provide for grace period for lapsed renewals of concealed carry permits

Opening Statement:

08:47:13 Rep. Steve Gist (R), HD 25, opened the hearing on HB 659, Provide for grace period for lapsed renewals of concealed carry permits.

Proponent Testimony:

08:48:40 Brian Gosch, National Rifle Association (NRA)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

08:49:36 Rep. Steve Gist (R), HD 25, closed the hearing on HB 659.

HEARING ON HB 735 - Generally revise DNA collection and testing laws

Opening Statement:

08:54:03 Rep. Steven Galloway (R), HD 24, opened the hearing on HB 735, Generally revise DNA collection and testing laws.

Discussion:

[EXHIBIT\(230331JUSa1\)](#)

[EXHIBIT\(230331JUSa2\)](#)

[EXHIBIT\(230331JUSa3\)](#)

Proponent Testimony:

09:00:49 Ashley Spence, self

09:02:42 Joshua Racki, Cascade County Attorney's Office (CCAO)

09:07:26 Brian Thompson, Montana County Attorneys Association (MCCA)

Opponent Testimony:

09:04:57 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)

Informational Witness Testimony:

None

Questions from Committee:

09:08:18 Sen. Daniel Emrich
09:08:38 Brian Thompson, MCCA
09:09:57 Joshua Racki, CCAO
09:10:37 Sen. Daniel Emrich
09:11:27 Rep. Steven Galloway-R
09:12:53 Sen. Theresa Manzella
09:15:17 Joshua Racki, CCAO
09:16:09 Sen. Theresa Manzella
09:16:30 Rep. Steven Galloway-R
09:19:07 Sen. Andrea Olsen
09:19:19 Maggie Bornstein, ACLUMT
09:22:17 Sen. Susan Webber
09:23:07 Brian Thompson, MCCA
09:23:31 Sen. Andrea Olsen
09:26:19 Rep. Steven Galloway-R

Closing Statement:

09:27:47 Rep. Steven Galloway (R), HD 24, closed the hearing on HB 735.

HEARING ON HB 674 - Generally revise firearm laws

Opening Statement:

09:32:54 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 674,
Generally revise firearm laws.

Discussion:

[EXHIBIT\(230331JUSa4\)](#)

Proponent Testimony:

09:36:22 Brian Gosch, National Rifle Association (NRA)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:37:49 Sen. Chris Friedel

09:38:36 Rep. Kerri Seekins-Crowe-R

09:38:49 Brian Gosch, NRA

09:40:06 Sen. Theresa Manzella

09:41:14 Rep. Kerri Seekins-Crowe-R

Closing Statement:

09:41:26 Rep. Kerri Seekins-Crowe (R), HD 43, closed the hearing on HB 674.

HEARING ON HB 680 - Generally revise laws related to criminal acts

Opening Statement:

09:42:23 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 680,
Generally revise laws related to criminal acts.

Proponent Testimony:

09:43:47 Jim Anderson, Montana Department of Corrections (DOC)

09:44:24 Patrick Moody, Montana Department of Justice (DOJ)

09:46:40 Dan Smith, Montana Police Protective Association (MPPA)

09:47:06 Brian Thompson, Montana County Attorneys' Association (MCCA),
Montana Sheriffs and Peace Officers Association (MSPOA)

Opponent Testimony:

09:47:53 Maggie Bornstein, American Civil Liberties Union of Montana (ACLU MT)

Informational Witness Testimony:

None

Questions from Committee:

09:49:44 Sen. Chris Friedel

09:50:10 Maggie Bornstein, ACLU MT

09:52:15 Sen. Chris Friedel

09:52:26 Rep. Kerri Seekins-Crowe-R

09:53:29 Sen. Chris Friedel

09:54:07 Patrick Moody, DOJ

09:56:00 Sen. Susan Webber

09:57:08 Rep. Kerri Seekins-Crowe-R

09:58:05 Patrick Moody, DOJ

10:00:00 Sen. Bob Brown

10:01:01 Patrick Moody, DOJ

Closing Statement:

10:01:09 Rep. Kerri Seekins-Crowe (R), HD 43, closed the hearing on HB 680.

HEARING ON HB 654 - Revise laws related to court recordings

Opening Statement:

10:02:10 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 654,
Revise laws related to court recordings.

Proponent Testimony:

10:04:46 Representative Steven Galloway, self

Opponent Testimony:

10:05:44 Tom Sapp, self

10:08:42 Bruce Spencer, Montana Judges Association

10:11:22 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)

10:12:38 Glenda Travitz, self

Informational Witness Testimony:

None

Questions from Committee:

10:14:35 Sen. Theresa Manzella

10:15:44 Bruce Spencer, Montana Judges Association

10:17:53 Vice Chair Jen Gross

10:18:22 Rep. Lola Sheldon-Galloway-R

10:19:22 Vice Chair Jen Gross

10:19:38 Bruce Spencer, Montana Judges Association

10:20:58 Chair Keith Regier

10:23:20 Sen. Bob Brown

10:25:37 Tom Sapp, self

10:25:45 Sen. Theresa Manzella

10:26:58 Rep. Lola Sheldon-Galloway-R

10:27:45 Vice Chair Barry Usher

10:28:14 Bruce Spencer, Montana Judges Association

10:28:52 Glenda Travitz, self

Closing Statement:

10:29:58 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 654.

EXECUTIVE ACTION ON SB 559 - Revise adult guardianship laws

10:54:47 **Motion:** Sen. Barry Usher moved that **SB 559 DO PASS.**

Discussion:

10:55:15 Sen. Andrea Olsen

10:55:54 Sen. Susan Webber

10:56:05 Vice Chair Jen Gross

10:56:37 Sen. Susan Webber

10:54:47 **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 361 - Provide that use of a name and sex at birth by a student is not discrimination

10:57:56 **Motion:** Sen. Barry Usher moved that **HB 361 BE CONCURRED IN.**

Discussion:

10:58:14 Sen. Andrea Olsen

10:59:48 Sen. Steve Hinebauch

11:00:46 Sen. Theresa Manzella

11:02:12 Vice Chair Jen Gross

10:57:56 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

10:57:56 **Carrier Assigned:** Sen. Keith Regier

EXECUTIVE ACTION ON HB 692 - Revising laws related to appointment of counsel

11:04:45 **Motion:** Sen. Barry Usher moved that **HB 692 TO TABLE.**

11:04:45 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON HB 690 - Generally revise pupil data privacy protections

11:06:26 **Motion:** Sen. Barry Usher moved that **HB 690 TO TABLE.**

11:06:26 **Vote:** Motion carried 7 - 4 by voice vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON HB 309 - Revise voting requirements of quasi-judicial boards

11:08:03 **Motion:** Sen. Barry Usher moved that **HB 309 BE CONCURRED IN.**

Discussion:

11:08:22 Sen. Andrea Olsen

11:08:03 **Vote:** Motion carried unanimously by voice vote.

11:08:28 **Motion:** Sen. Andrea Olsen moved that **HB 309 BE AMENDED.**

Discussion:

11:08:37 Sen. Andrea Olsen

11:09:15 Vice Chair Jen Gross

11:09:45 Sen. Bob Brown

11:10:15 Chair Keith Regier

11:10:17 Sen. Chris Friedel

11:10:40 Julianne Burkhardt

11:11:05 Chair Keith Regier

11:11:47 Sen. Chris Friedel

11:12:14 Julianne Burkhardt

11:12:43 Chair Keith Regier

11:12:51 Sen. Andrea Olsen

11:13:49 Chair Keith Regier

11:13:58 Vice Chair Jen Gross

11:14:42 Sen. Daniel Emrich

11:15:41 Vice Chair Jen Gross

11:16:44 Julianne Burkhardt

11:08:28 **Vote:** Motion failed 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Kelker, By Proxy

11:17:55 **Motion:** Sen. Barry Usher moved that **HB 309 BE CONCURRED IN.**

Discussion:

11:18:02 Vice Chair Jen Gross

11:17:55 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:17:55 **Carrier Assigned:** Sen. Keith Regier

ADJOURNMENT

Adjournment: 11:21:59

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230331JUSaad\)](#)