

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

Call to Order: Chair Keith Regier-R, on April 04, 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 359 03/30/2023
HB 603 03/30/2023
HB 631 03/30/2023
HB 640 03/30/2023

Executive Action:

HB 676
HB 659
HB 480 TO TABLE
HB 575
HB 625

HEARING ON HB 640 - Generally revise laws related to sexual assault evidence kits

Opening Statement:

08:02:21 Rep. Naarah Hastings (R), HD 50, opened the hearing on HB 640,
Generally revise laws related to sexual assault evidence kits.

Proponent Testimony:

08:04:02 Dana Toole, Department of Criminal Investigation, Montana Department of
Justice (DOJ)

08:05:19 Dan Smith, Montana Police Protective Association

Opponent Testimony:

None

Informational Witness Testimony:

08:06:02 Kayla Bragg, Montana Department of Justice (DOJ)

Questions from Committee:

08:06:31 Vice Chair Jen Gross

08:07:20 Kayla Bragg, DOJ

08:07:52 Vice Chair Jen Gross

08:08:18 Dana Toole, DOJ

08:09:18 Sen. Susan Webber

08:09:51 Kayla Bragg, DOJ

08:11:49 Sen. Chris Friedel

08:12:26 Kayla Bragg, DOJ

08:13:09 Sen. Daniel Emrich

08:13:37 Kayla Bragg, DOJ

08:15:56 Sen. Chris Friedel

08:16:13 Kayla Bragg, DOJ

Closing Statement:

08:17:14 Rep. Naarah Hastings (R), HD 50, closed the hearing on HB 640.

HEARING ON HB 603 - Provide for reinstatement of parental rights

Opening Statement:

08:17:54 Rep. Steven Galloway (R), HD 24, opened the hearing on HB 603, Provide for reinstatement of parental rights.

Proponent Testimony:

08:20:28 Nikki Grossberg, Child and Family Services, Department of Public Health and Human Services (DPHHS)

08:21:45 Jennine Liberatore, self

08:23:00 Denise Johnson, Montana Child Protection Alliance (MCPA)

08:24:03 Cherie LeBlanc-Dyba, self

Opponent Testimony:

None

Informational Witness Testimony:

08:25:25 Brian Smith, Montana Office of Public Defender (OPD)

Questions from Committee:

08:26:06 Vice Chair Jen Gross

08:26:43 Brian Smith, OPD

08:27:11 Chair Keith Regier

08:27:14 Rep. Steven Galloway-R

08:27:28 Sen. Chris Friedel

08:28:02 Rep. Steven Galloway-R

08:29:42 Sen. Andrea Olsen

08:30:53 Brian Smith, OPD

08:30:57 Sen. Andrea Olsen

08:31:35 Rep. Steven Galloway-R

08:32:14 Sen. Theresa Manzella

08:32:54 Brian Smith, OPD

Closing Statement:

08:33:33 Rep. Steven Galloway (R), HD 24, closed the hearing on HB 603.

HEARING ON HB 631 - Bill for gun owners access to justice act

Opening Statement:

08:34:51 Rep. Jedediah Hinkle (R), HD 67, opened the hearing on HB 631, Bill for gun owners access to justice act.

Proponent Testimony:

08:37:38 Gary Marbut, Montana Shooting Sports Association (MSSA)

[EXHIBIT\(230404JUSa1\)](#)

[EXHIBIT\(230404JUSa2\)](#)

08:40:02 Tiffany Neumann, self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:42:04 Sen. Daniel Emrich

08:42:11 Gary Marbut, MSSA

08:42:21 Sen. Andrea Olsen

08:43:15 Rep. Jedediah Hinkle-R

08:43:20 Sen. Chris Friedel

08:43:32 Chair Keith Regier

08:43:48 Sen. Andrea Olsen

08:44:11 Rep. Jedediah Hinkle-R
08:44:29 Chair Keith Regier
08:44:56 Sen. Andrea Olsen
08:45:11 Sen. Theresa Manzella
08:45:58 Gary Marbut, MSSA
08:46:24 Vice Chair Barry Usher
08:46:47 Rep. Jedediah Hinkle-R
08:46:56 Sen. Bob Brown
08:47:26 Gary Marbut, MSSA

Closing Statement:

08:47:59 Rep. Jedediah Hinkle (R), HD 67, closed the hearing on HB 631.

HEARING ON HB 359 - Prohibit minors from attending drag shows

Opening Statement:

08:52:55 Rep. Braxton Mitchell (R), HD 3, opened the hearing on HB 359, Prohibit minors from attending drag shows.

Proponent Testimony:

08:55:51 Jeff Laszloffy, Montana Family Foundation
08:56:48 Jenna McKinny, Montana Office of Public Instruction (MOPI)
08:57:19 Cindy Roscoe, self
[EXHIBIT\(230404JUSa3\)](#)
08:58:49 Johanna Kennedy, self
09:00:54 Alba Pimentel, self
09:01:27 Jessie Browning, Moms For Liberty Yellowstone County
09:03:06 Kathy Butterfield, self

Opponent Testimony:

09:04:20 SK Rossi, Montana Human Rights Campaign (MHRC)

09:06:15 Retta Leaphart, self

09:08:14 Sarah Teague, self

09:10:38 Benji Cosgrove, Myrna Loy Theatre

09:12:39 Krys Holmes, Myrna Loy Theatre, Holter Museum of Art

09:14:27 Sarah Piper, Montana Federation of Public Employees (MFPE)

09:15:36 Kevin Hamm, Montana Pride

09:17:41 Representative Jennifer Lynch, self

09:18:25 Representative SJ Howell, self

09:20:33 Representative Eric Matthews, self

09:21:41 Representative Donavon Hawk, self

09:22:05 Representative Zooey Zephyr, self

09:23:32 Erin Reed, self

09:25:09 Wyatt Clark, self

09:26:58 Kole Burdick, self

09:28:39 Tierney Hula, self

09:30:31 Keegan Medrano, American Civil Liberties Union of Montana (ACLUMT)

09:32:44 Lennon Keppen, self

09:35:01 Representative Jonathan Carlen, self

09:36:24 Izzy Milch, Forward Montana

09:38:11 Shani Henry, self

09:40:02 Quinn Leighton, Planned Parenthood Advocates of Montana

09:41:59 Representative Laurie Bishop, self

09:43:36 Sam Forstag, Montana Library Association

09:44:48 Robin Turner, Montana Coalition Against Domestic and Sexual Violence

09:46:41 Corinne Woods, Grandstreet Theatre

09:48:52 Representative Kim Abbott, self

09:50:02 Representative Alice Buckley, self

09:51:36 Shawn Reagor, self

09:53:45 Ella Smith, self

09:55:06 Representative Tom France, self

09:57:22 Senator Shannon O'Brien, self

09:58:29 Representative Bob Carter, self

09:58:59 Representative Frank Smith, self

10:00:05 Nathan Stein, Bridgercare

10:00:47 Meshayla Cox, self

10:02:12 Anna Peterson, self

10:03:29 Winona Rachel, self

10:04:59 Julie Williams, self

10:06:34 Blair Libby, self

10:07:38 Pari Kemmick, self

10:09:23 Donald Stuker, self

10:10:25 Jana Richter, self

10:11:50 Alice Boyer, self

10:12:51 Alex Millet, self

10:14:07 Allison Goodnight, self

10:15:26 Justin Boyes, self

10:16:40 Max Cumming, self

10:18:06 Colton Mason, self
10:19:04 Julia Maxon, Montana Women Vote
10:20:44 Cherilyn DeVries, Montana Human Rights Network (MHRN)
10:22:03 Gwen Nicholson, Montana Budget and Policy Center
10:22:56 DeAnna Bublitz, self
10:23:43 Nate Biehl, self
10:25:10 Luke Walrath, Alpine Theatre Project
10:26:23 Anne Angus, self
10:27:21 Alexandra Lin, self
10:30:01 Representative Stacey Anderson, self

Informational Witness Testimony:

10:31:19 McCall Flynn, Montana Board of Public Education

Questions from Committee:

10:32:21 Sen. Susan Webber
10:32:54 Kevin Hamm, Montana Pride
10:34:04 Sen. Susan Webber
10:34:36 Rep. Braxton Mitchell-R
10:34:59 Sen. Bob Brown
10:35:50 SK Rossi, MHRC
10:38:22 Shawn Reagor, self
10:38:55 Donald Stuker, self
10:40:11 Sen. Theresa Manzella
10:40:32 Donald Stuker, self
10:42:04 Vice Chair Jen Gross
10:42:29 Lennon Keppen, self

10:47:34 Sen. Steve Hinebauch
10:48:50 SK Rossi, MHRC
10:49:19 Sam Forstag, Montana Library Association
10:49:59 Sen. Steve Hinebauch
10:50:12 Jeff Laszloffy, Montana Family Foundation
10:50:31 Sen. Daniel Emrich
10:51:59 Lennon Keppen, self
10:53:05 Sen. Daniel Emrich
10:54:42 SK Rossi, MHRC
10:58:20 Chair Keith Regier
10:58:39 SK Rossi, MHRC
10:59:04 Sen. Andrea Olsen
10:59:47 Shawn Reagor, self
11:01:57 Sen. Andrea Olsen
11:02:33 SK Rossi, MHRC
11:05:48 Sen. Theresa Manzella
11:06:47 Jeff Laszloffy, Montana Family Foundation
11:07:30 Vice Chair Jen Gross
11:08:20 Rep. Braxton Mitchell-R

Closing Statement:

11:09:37 Rep. Braxton Mitchell (R), HD 3, closed the hearing on HB 359.

EXECUTIVE ACTION ON HB 676 - Revise laws to clarify fundamental parental rights

11:32:23 **Motion:** Vice Chair Barry Usher moved that **HB 676 BE CONCURRED IN.**

Discussion:

11:32:31 Sen. Steve Hinebauch left the meeting.

11:32:58 **Motion:** Vice Chair Barry Usher moved that **HB 676 BE AMENDED.**

Discussion:

11:33:19 Julianne Burkhardt

11:34:53 Vice Chair Jen Gross

17:47:17 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:35:29 **Motion:** Vice Chair Barry Usher moved that **HB 676 BE AMENDED.**

Discussion:

11:36:18 Vice Chair Jen Gross

17:47:17 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:37:30 **Motion:** Vice Chair Barry Usher moved that **HB 676 BE CONCURRED IN AS AMENDED.**

Discussion:

11:37:42 Vice Chair Jen Gross

11:39:07 Sen. Daniel Emrich

11:41:11 Sen. Bob Brown

17:47:17 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:37:30 **Carrier Assigned:** Sen. Keith Regier

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

11:42:14 **Motion:** Vice Chair Barry Usher moved that **HB 659 BE CONCURRED IN.**

Discussion:

11:42:37 Sen. Theresa Manzella

11:43:13 Chair Keith Regier

11:43:47 Sen. Andrea Olsen

11:44:11 Chair Keith Regier

17:47:17 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

11:42:14 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 480 - Revise laws relating to State Lottery investigations and enforcement

11:45:42 **Motion:** Vice Chair Barry Usher moved that **HB 480 BE CONCURRED IN.**

11:45:53 **Motion:** Sen. Bob Brown moved that **HB 480 BE AMENDED.**

Discussion:

11:46:22 Julianne Burkhardt

11:46:35 Chair Keith Regier

11:47:09 Sen. Bob Brown

11:47:26 Julianne Burkhardt

11:49:11 Chair Keith Regier

11:49:21 Sen. Daniel Emrich

11:50:07 Chair Keith Regier

11:50:18 Julianne Burkhardt

17:47:17 **Vote:** Motion carried 10 - 1 by voice vote with Sen. Emrich, voting no.

11:52:49 **Motion:** Vice Chair Barry Usher moved that **HB 480 BE AMENDED.**

Discussion:

11:52:58 Vice Chair Jen Gross

11:55:04 Sen. Susan Webber

11:55:55 Chair Keith Regier

11:56:07 Sen. Daniel Emrich

11:57:34 Vice Chair Jen Gross

17:47:17 **Vote:** Motion failed 6 - 5 by roll call vote with Sen. Brown, Sen. Emrich, Sen. Hinebauch, Sen. Olsen, Sen. Regier, voting yes.

11:59:28 **Motion:** Vice Chair Barry Usher moved that **HB 480 BE CONCURRED IN.**

17:47:17 **Vote:** Motion carried unanimously by voice vote.

12:00:26 **Motion:** Sen. Bob Brown moved that **HB 480 TO TABLE.**

17:47:17 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 575 - Prohibit abortion of unborn viable children

12:02:02 **Motion:** Vice Chair Barry Usher moved that **HB 575 BE CONCURRED IN.**

12:02:05 **Motion:** Sen. Theresa Manzella moved that **HB 575 BE AMENDED.**

Discussion:

12:02:36 Vice Chair Jen Gross

12:03:05 Sen. Daniel Emrich

17:47:17 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

12:04:28 **Motion:** Vice Chair Barry Usher moved that **HB 575 BE CONCURRED IN AS AMENDED.**

Discussion:

12:04:33 Vice Chair Jen Gross

12:05:20 Sen. Bob Brown

12:05:48 Sen. Andrea Olsen

17:47:17 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

12:04:28 **Carrier Assigned:** Sen. Daniel Emrich

EXECUTIVE ACTION ON HB 625 - Infant safety and care act

12:08:48 **Motion:** Vice Chair Barry Usher moved that **HB 625 BE CONCURRED IN.**

12:08:52 **Motion:** Vice Chair Barry Usher moved that **HB 625 BE AMENDED.**

Discussion:

12:09:25 Julianne Burkhardt

12:09:37 Vice Chair Jen Gross

17:47:17 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

12:10:24 **Motion:** Vice Chair Barry Usher moved that **HB 625 BE CONCURRED IN AS AMENDED.**

Discussion:

12:10:32 Vice Chair Jen Gross

17:47:17 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

12:10:24 **Carrier Assigned:** Sen. Keith Regier

ADJOURNMENT

Adjournment: 12:12:30

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230404JUSaad\)](#)