

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

Call to Order: Chair Keith Regier-R, on April 05, 2023 at 8:01 AM, in 303

ROLL CALL

Members Present: Sen. Keith Regier, Chair (R)
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. Susan Webber (D)

Members Excused: Sen. Jen Gross (D)
Sen. Kathy Kelker (D)
Sen. Andrea Olsen (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 474 03/30/2023
HB 705 03/30/2023
HB 722 03/30/2023
HB 802 03/30/2023

Executive Action:

HB 16 BE CONCURRED IN AS
AMENDED
HB 37 BE CONCURRED IN
HB 174 BE CONCURRED IN
HB 362 BE CONCURRED IN AS
AMENDED
HB 398 BE CONCURRED IN
HB 461 BE CONCURRED IN
HB 500 BE CONCURRED IN

HB 541 BE CONCURRED IN
HB 545 BE CONCURRED IN
HB 603 BE CONCURRED IN
HB 640 BE CONCURRED IN
HB 802 BE CONCURRED IN
HB 705 BE CONCURRED IN

HEARING ON HB 722 - Generally revise district courts budget presentation in budget

Opening Statement:

08:02:25 Rep. Matt Regier (R), HD 4, opened the hearing on HB 722, Generally revise district courts budget presentation in budget.

Proponent Testimony:

None

Opponent Testimony:

08:03:51 Beth McLaughlin, Montana Court Administrator

08:06:12 Amy Sassano, Governor's Deputy Budget Director

Informational Witness Testimony:

None

Questions from Committee:

08:07:17 Vice Chair Barry Usher

08:08:40 Beth McLaughlin, Montana Court Administrator

08:10:29 Vice Chair Barry Usher

08:10:31 Amy Sassano, Governor's Deputy Budget Director

08:12:45 Vice Chair Barry Usher

08:13:45 Rep. Matt Regier-R

08:14:07 Chair Keith Regier

08:14:24 Beth McLaughlin, Montana Court Administrator

08:15:27 Sen. Susan Webber

08:15:54 Beth McLaughlin, Montana Court Administrator

Closing Statement:

08:19:32 Rep. Matt Regier (R), HD 4, closed the hearing on HB 722.

HEARING ON HB 474 - Revise background checks for employees with federal tax information

Opening Statement:

08:20:47 Rep. Dave Fern (D), HD 5, opened the hearing on HB 474, Revise background checks for employees with federal tax information.

Proponent Testimony:

08:22:57 Kristina Warren, Montana Department of Revenue

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:23:57 Sen. Daniel Emrich
08:24:16 Kristina Warren, Montana Department of Revenue
08:27:12 Chair Keith Regier
08:27:38 Kristina Warren, Montana Department of Revenue
08:28:03 Sen. Susan Webber
08:28:15 Kristina Warren, Montana Department of Revenue
08:29:33 Sen. Theresa Manzella
08:30:04 Kristina Warren, Montana Department of Revenue

Closing Statement:

08:33:21 Rep. Dave Fern (D), HD 5, closed the hearing on HB 474.

HEARING ON HB 705 - Revise laws related to coroner's inquests

Opening Statement:

08:35:36 Rep. Scot Kerns (R), HD 23, opened the hearing on HB 705, Revise laws related to coroner's inquests.

Proponent Testimony:

08:39:56 Lee Johnson, Division of Criminal Investigation, Montana Department of Justice (DOJ)

08:42:39 Alan Doane, Attorney General's Office

08:42:58 Dan Smith, Montana Police Protective Association (MPPA)

08:43:58 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

08:45:03 Ed Zink, Yellowstone County Attorney's Office

Opponent Testimony:

08:46:37 Maggie Bornstein, American Civil Liberties Union of Montana (ACLUMT)

Informational Witness Testimony:

None

Questions from Committee:

08:48:38 Sen. Susan Webber

08:48:48 Lee Johnson, DOJ

08:50:57 Vice Chair Barry Usher

08:52:15 Lee Johnson, DOJ

08:52:40 Chair Keith Regier

08:52:54 Maggie Bornstein, ACLUMT

Closing Statement:

08:54:10 Rep. Scot Kerns (R), HD 23, closed the hearing on HB 705.

HEARING ON HB 802 - Revise laws related to POST officer certification

Opening Statement:

08:55:07 Rep. Scot Kerns (R), HD 23, opened the hearing on HB 802, Revise laws related to POST officer certification.

Proponent Testimony:

08:57:41 Shelby DeMars, Montana Police Protective Association (MPPA)

08:59:04 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association
(MSPOA)

Opponent Testimony:

None

Informational Witness Testimony:

09:00:04 Timothy Allred, POST Counsel

Questions from Committee:

09:00:51 Chair Keith Regier

09:00:55 Timothy Allred, POST Counsel

Closing Statement:

09:01:35 Rep. Scot Kerns (R), HD 23, closed the hearing on HB 802.

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

09:37:39 **Motion:** Sen. Barry Usher moved that **HB 16 BE CONCURRED IN.**

09:37:55 **Motion:** Sen. Barry Usher moved that **HB 16 BE AMENDED.**

Discussion:

09:38:21 Chair Keith Regier

09:37:55 **Vote:** Motion carried unanimously by voice vote.

09:39:01 **Motion:** Sen. Barry Usher moved that **HB 16 BE CONCURRED IN AS AMENDED.**

09:39:01 **Vote:** Motion carried unanimously by voice vote.

09:39:01 **Carrier Assigned:** Sen. Theresa Manzella

EXECUTIVE ACTION ON HB 37 - Generally revise child abuse and neglect laws

09:40:37 **Motion:** Sen. Barry Usher moved that **HB 37 BE CONCURRED IN.**

Discussion:

09:40:55 Julianne Burkhardt

09:41:08 Vice Chair Barry Usher

09:40:37 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Friedel, Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, Sen. Olsen, By Proxy

09:40:37 **Carrier Assigned:** Sen. Dennis Lenz

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

09:42:55 **Motion:** Sen. Barry Usher moved that **HB 174 BE CONCURRED IN.**

Discussion:

09:43:10 Sen. Chris Friedel

09:43:57 Sen. Daniel Emrich

09:45:00 Chair Keith Regier

09:45:07 Sen. Steve Hinebauch

09:45:15 Vice Chair Barry Usher

09:42:55 **Vote:** Motion carried unanimously by roll call vote.

09:42:55 **Carrier Assigned:** Sen. Barry Usher

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

09:47:08 **Motion:** Sen. Barry Usher moved that **HB 362 BE CONCURRED IN.**

09:48:04 **Motion:** Sen. Barry Usher moved that **HB 362 BE AMENDED.**

Discussion:

09:48:29 Vice Chair Barry Usher

09:49:36 Julianne Burkhardt

09:49:44 Sen. Susan Webber

09:48:04 **Vote:** Motion carried unanimously by voice vote.

09:50:22 **Motion:** Sen. Barry Usher moved that **HB 362 BE CONCURRED IN AS AMENDED.**

Discussion:

09:50:54 Sen. Daniel Emrich

09:50:22 **Vote:** Motion carried 9 - 2 by roll call vote with Sen. Emrich, Sen. Hinebauch, voting no.

09:50:22 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 398 - Define recidivism for executive branch and judicial branch reporting

09:52:36 **Motion:** Sen. Barry Usher moved that **HB 398 BE CONCURRED IN.**

Discussion:

09:52:54 Sen. Susan Webber

09:52:36 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, Sen. Olsen, By Proxy

09:52:36 **Carrier Assigned:** Sen. Daniel Emrich

EXECUTIVE ACTION ON HB 461 - Revise laws related to reporting of child abuse and neglect

09:55:37 **Motion:** Sen. Barry Usher moved that **HB 461 BE CONCURRED IN.**

09:55:37 **Vote:** Motion carried unanimously by voice vote.

09:55:37 **Carrier Assigned:** Sen. Theresa Manzella

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

09:56:42 **Motion:** Sen. Barry Usher moved that **HB 500 BE CONCURRED IN.**

09:56:42 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Brown, Sen. Hinebauch, Sen. Manzella, Sen. Regier, Sen. Usher, voting no.

09:56:42 **Carrier Assigned:** Sen. Chris Friedel

EXECUTIVE ACTION ON HB 541 - Require interest on criminal restitution and fines

09:59:29 **Motion:** Sen. Barry Usher moved that **HB 541 BE CONCURRED IN.**

09:59:29 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Emrich, Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, Sen. Olsen, By Proxy

09:59:29 **Carrier Assigned:** Sen. Steve Hinebauch

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

10:02:40 **Motion:** Sen. Barry Usher moved that **HB 545 BE CONCURRED IN.**

Discussion:

10:02:57 Sen. Daniel Emrich

10:02:40 **Vote:** Motion carried unanimously by voice vote.

10:02:40 **Carrier Assigned:** Sen. Bob Brown

EXECUTIVE ACTION ON HB 603 - Provide for reinstatement of parental rights

10:04:07 **Motion:** Sen. Barry Usher moved that **HB 603 BE CONCURRED IN.**

Discussion:

10:04:41 Sen. Susan Webber

10:04:07 **Vote:** Motion carried unanimously by voice vote.

10:04:07 **Carrier Assigned:** Sen. Susan Webber

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

10:06:04 **Motion:** Sen. Barry Usher moved that **HB 640 BE CONCURRED IN.**

10:06:04 **Vote:** Motion carried unanimously by voice vote.

10:06:04 **Carrier Assigned:** Sen. Chris Friedel

EXECUTIVE ACTION ON HB 802 - Revise laws related to POST officer certification

10:07:39 **Motion:** Sen. Barry Usher moved that **HB 802 BE CONCURRED IN.**

10:07:39 **Vote:** Motion carried unanimously by voice vote.

10:07:39 **Carrier Assigned:** Sen. Bob Brown

EXECUTIVE ACTION ON HB 705 - Revise laws related to coroner's inquests

10:08:54 **Motion:** Sen. Barry Usher moved that **HB 705 BE CONCURRED IN.**

Discussion:

10:09:06 Sen. Susan Webber

10:08:54 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, Sen. Olsen, By Proxy

10:08:54 **Carrier Assigned:** Sen. Barry Usher

ADJOURNMENT

Adjournment: 10:11:28

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230405JUSaad\)](#)