

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

Call to Order: Chair Keith Regier-R, on April 11, 2023 at 11:00 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. Theresa Manzella (R)
Sen. Andrea Olsen (D)

Members Excused: Sen. Steve Hinebauch (R)
Sen. Kathy Kelker (D)
Sen. Susan Webber (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:

Executive Action:

HB 322 BE CONCURRED IN AS
AMENDED
HB 452 BE CONCURRED IN AS
AMENDED
HB 512 TO TABLE
HB 697 BE CONCURRED IN AS
AMENDED
HB 735 TO TABLE
HB 742 TO TABLE
HB 743 BE CONCURRED IN
HB 793 TO TABLE

EXECUTIVE ACTION ON HB 322 - Generally revise laws related to standing masters

11:01:17 **Motion:** Vice Chair Barry Usher moved that **HB 322 BE CONCURRED IN.**

Discussion:

11:01:29 Julianne Burkhardt

11:02:12 **Motion:** Vice Chair Barry Usher moved that **HB 322 BE AMENDED.**

Discussion:

11:02:18 Julianne Burkhardt

11:03:01 Sen. Chris Friedel

11:03:10 Vice Chair Jen Gross

11:03:42 Sen. Andrea Olsen

11:05:16 Vice Chair Jen Gross

11:02:12 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy

11:05:33 **Motion:** Vice Chair Jen Gross moved that **HB 322 BE AMENDED.**

11:05:33 **Vote:** Motion failed 6 - 5 by roll call vote with Sen. Emrich, Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Kelker, Sen. Webber, By Proxy

11:07:14 **Motion:** Vice Chair Barry Usher moved that **HB 322 BE CONCURRED IN AS AMENDED.**

Discussion:

11:07:23 Vice Chair Jen Gross

11:07:14 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy

11:07:14 **Carrier Assigned:** Sen. Theresa Manzella

EXECUTIVE ACTION ON HB 452 - Generally revise uniform trust and probate codes

11:09:02 **Motion:** Vice Chair Barry Usher moved that **HB 452 BE CONCURRED IN.**

11:09:10 **Motion:** Vice Chair Barry Usher moved that **HB 452 BE AMENDED.**

Discussion:

11:09:31 Julianne Burkhardt
11:10:19 Chair Keith Regier
11:10:41 Sen. Andrea Olsen
11:10:56 Julianne Burkhardt
11:13:47 Chair Keith Regier
11:14:09 Vice Chair Jen Gross
11:16:24 Sen. Andrea Olsen
11:16:39 Vice Chair Jen Gross
11:17:44 Sen. Daniel Emrich
11:19:10 Vice Chair Barry Usher
11:09:10 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy
11:20:02 **Motion:** Vice Chair Barry Usher moved that **HB 452 BE CONCURRED IN AS AMENDED.**

Discussion:

11:20:14 Vice Chair Jen Gross
11:21:18 Chair Keith Regier
11:21:41 Sen. Bob Brown
11:22:10 Sen. Andrea Olsen
11:22:48 Julianne Burkhardt
11:23:12 Vice Chair Barry Usher
11:23:29 Sen. Andrea Olsen
11:24:38 Chair Keith Regier
11:24:47 Julianne Burkhardt
11:26:18 Sen. Andrea Olsen
11:20:02 **Vote:** Motion carried 10 - 1 by roll call vote with Sen. Gross, voting no.
11:20:02 **Carrier Assigned:** Sen. Andrea Olsen

EXECUTIVE ACTION ON HB 512 - Authorize legislator intervention in lawsuits

11:27:09 **Motion:** Vice Chair Barry Usher moved that **HB 512 TO TABLE.**

11:27:09 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 697 - Generally revise laws related to the POST Council

11:27:42 **Motion:** Vice Chair Barry Usher moved that **HB 697 BE CONCURRED IN.**

11:28:49 **Motion:** Vice Chair Barry Usher moved that **HB 697 BE AMENDED.**

Discussion:

11:29:01 Vice Chair Barry Usher

11:29:30 Chair Keith Regier

11:29:48 Vice Chair Jen Gross

11:31:19 Julianne Burkhardt

11:31:51 Sen. Daniel Emrich

11:33:32 Julianne Burkhardt

11:34:41 Vice Chair Barry Usher

11:28:49 **Vote:** Motion carried unanimously by voice vote.

11:35:29 **Motion:** Vice Chair Barry Usher moved that **HB 697 BE CONCURRED IN AS AMENDED.**

11:35:29 **Vote:** Motion carried unanimously by voice vote.

11:35:29 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON HB 735 - Generally revise DNA collection and testing laws

11:36:38 **Motion:** Vice Chair Barry Usher moved that **HB 735 BE CONCURRED IN.**

Discussion:

11:38:53 Sen. Theresa Manzella

11:39:25 Chair Keith Regier

11:42:10 Sen. Andrea Olsen

11:42:24 Chair Keith Regier

11:42:28 **Motion:** Vice Chair Barry Usher moved that **HB 735 BE AMENDED.**

Discussion:

11:42:56 Julianne Burkhardt

11:44:02 Vice Chair Jen Gross

11:44:20 Julianne Burkhardt
11:44:28 Vice Chair Barry Usher
11:45:07 Sen. Andrea Olsen
11:45:52 Julianne Burkhardt
11:42:28 **Vote:** Motion carried 7 - 4 by voice vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy

11:46:37 **Motion:** Vice Chair Barry Usher moved that **HB 735 BE AMENDED.**

Discussion:

11:47:06 Julianne Burkhardt
11:48:55 Vice Chair Jen Gross
11:49:47 Sen. Andrea Olsen
11:46:37 **Vote:** Motion failed unanimously by roll call vote.

11:52:10 **Motion:** Sen. Daniel Emrich moved that **HB 735 TO TABLE.**

Discussion:

11:52:21 Sen. Daniel Emrich
11:52:10 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 742 - Restrict use of restraints on youth

11:57:36 **Motion:** Vice Chair Barry Usher moved that **HB 742 BE CONCURRED IN.**

Discussion:

11:59:34 Sen. Theresa Manzella
12:00:20 Sen. Andrea Olsen
12:01:09 Chair Keith Regier
12:01:25 Sen. Andrea Olsen
11:57:36 **Vote:** Motion failed 6 - 5 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Usher, Sen. Webber, voting yes.
Sen. Kelker, Sen. Webber, By Proxy

12:01:57 **Motion:** Vice Chair Barry Usher moved that **HB 742 TO TABLE.**

12:01:57 **Vote:** Motion carried 8 - 3 by voice vote with Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy

EXECUTIVE ACTION ON HB 743 - Revising laws related to incest

12:04:37 **Motion:** Vice Chair Barry Usher moved that **HB 743 BE CONCURRED IN.**

Discussion:

12:04:49 Chair Keith Regier

12:04:37 **Vote:** Motion carried unanimously by voice vote.

12:04:37 **Carrier Assigned:** Sen. Keith Regier

EXECUTIVE ACTION ON HB 793 - Revise laws related to strip searches of youth offenders

12:05:54 **Motion:** Vice Chair Barry Usher moved that **HB 793 BE CONCURRED IN.**

Discussion:

12:06:11 Vice Chair Jen Gross

12:07:31 Chair Keith Regier

12:05:54 **Vote:** Motion failed 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Kelker, Sen. Webber, By Proxy

12:08:54 **Motion:** Vice Chair Barry Usher moved that **HB 793 TO TABLE.**

12:08:54 **Vote:** Motion carried 7 - 4 by voice vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy

ADJOURNMENT

Adjournment: 12:09:52

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230411JUSaad\)](#)