



SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM

69th Montana Legislature

SENATE MEMBERS

Mary Ann Dunwell
Janet Ellis
Jason Ellsworth
Daniel Emrich
Steve Fitzpatrick
Chris Friedel
Carl Glimm
Jen Gross
Steve Hinebauch
Tom McGillvray
Wendy McKamey
Shane Morigeau
Mark Noland
Andrea Olsen
Barry Usher

HOUSE MEMBERS

Lyn Hellegaard
Fiona Nave
Sue Vinton

PUBLIC MEMBERS

Andrew Billstein
Joan Mell
Jim Ramlow

COMMITTEE STAFF

Maddelyn Black – Secretary
Jameson Walker - Attorney

MINUTES LOG

October 04, 2024
Capitol Room 137
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

MEMBERS PRESENT:

Sen. Jason Ellsworth, Presiding Officer (R)
Sen. Barry Usher, Vice Presiding Officer (R)
Sen. Daniel Emrich (R)
Sen. Chris Friedel (R)
Sen. Carl Glimm (R)
Rep. Lyn Hellegaard (R)
Sen. Steve Hinebauch (R)
Sen. Tom McGillvray (R)
Sen. Wendy McKamey (R)
Rep. Fiona Nave (R)
Sen. Mark Noland (R)
Jim Ramlow, Public Member
Rep. Sue Vinton (R)

MEMBERS EXCUSED:

Andrew Billstein, Public Member
Sen. Steve Fitzpatrick (R)
Joan Mell, Public Member

MEMBERS ABSENT:

Sen. Jen Gross (D)
Sen. Shane Morigeau (D)
Sen. Andrea Olsen (D)
Sen. Mary Ann Dunwell (D)
Sen. Janet Ellis (D)

STAFF PRESENT:

Maddelyn Black, Legislative Secretary
Jameson Walker, Attorney

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

CALL TO ORDER / ROLL CALL

09:05:55 Presiding Officer Jason Ellsworth called the meeting to order at 9:05 AM. The committee secretary took roll.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE

09:07:56 Presiding Officer Jason Ellsworth
09:08:38 Vice Presiding Officer Barry Usher
09:09:56 Jameson Walker, Attorney, Legislative Services Division (LSD)
09:10:53 Presiding Officer Jason Ellsworth
[EXHIBIT 1](#)
09:11:57 Sen. Tom McGillvray
(See Exhibit 1)

Questions from the Committee

09:18:09 Presiding Officer Jason Ellsworth
09:19:29 Sen. Tom McGillvray
09:23:43 Rep. Fiona Nave
09:24:02 Presiding Officer Jason Ellsworth
09:25:10 Jim Ramlow
09:26:37 Sen. Tom McGillvray
09:28:13 Sen. Steve Hinebauch
09:28:38 Presiding Officer Jason Ellsworth
09:29:30 Sen. Tom McGillvray
09:30:17 Sen. Carl Glimm
09:31:00 Presiding Officer Jason Ellsworth

09:31:25 Rep. Lyn Hellegaard
09:31:55 Vice Presiding Officer Barry Usher
09:32:20 Presiding Officer Jason Ellsworth
09:32:57 Sen. Tom McGillvray
09:33:03 Jameson Walker, LSD
09:33:12 Julie Johnson, Deputy Director of Legal Services, LSD
09:34:03 Presiding Officer Jason Ellsworth
09:34:45 Rep. Fiona Nave
09:34:57 Julie Johnson, LSD
09:35:18 Vice Presiding Officer Barry Usher
09:35:44 Presiding Officer Jason Ellsworth
09:36:06 Sen. Tom McGillvray

Motion

09:37:06 Sen. Wendy McKamey moved to adopt Provisional Draft (PD) 52 as a committee bill with suggested changes.

Discussion on the Motion

09:37:19 None

Vote

09:37:24 Carried unanimously by voice vote.

09:37:52 Sen. Tom McGillvray

09:38:03 Presiding Officer Jason Ellsworth

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

09:38:23 Sen. Tom McGillvray

[EXHIBIT 2](#)

09:40:11 Julie Johnson

Questions from the Committee

09:40:45 Presiding Officer Jason Ellsworth

09:40:51 Sen. Daniel Emrich

09:42:35 Vice Presiding Officer Barry Usher

09:43:10 Sen. Tom McGillvray

09:43:11 Presiding Officer Jason Ellsworth

Motion

09:44:27 Sen. Tom McGillvray moved to contract Rob Natelson for counsel regarding general guidance.

Discussion on the Motion

- 09:45:15 Presiding Officer Jason Ellsworth
- 09:45:50 Vice Presiding Officer Barry Usher
- 09:46:20 Sen. Tom McGillvray requested for the motion to be clarified.
- 09:44:22 Presiding Officer Jason Ellsworth clarified the motion. The motion is to authorize the Senate President to hire consultants as he sees fit and pay for those consultants through his leadership funds.

Vote

- 09:46:40 Carried unanimously by voice vote.
- 09:46:49 Presiding Officer Jason Ellsworth

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - CONTINUED

- 09:48:15 Jaret Coles, Deputy Legal Director, LSD
[EXHIBIT 3](#)

Questions from the Committee

- 09:50:18 Vice Presiding Officer Barry Usher
- 09:50:38 Jaret Coles, LSD
- 09:50:43 Presiding Officer Jason Ellsworth

Motion

- 09:52:31 Vice Presiding Officer Barry Usher moved to approve PD0107 as a committee bill with suggested changes.

Discussion on the Motion

- 09:52:46 None

Vote

- 09:52:51 Carried unanimously by voice vote.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

- 09:53:30 Jameson Walker
[EXHIBIT 4](#)

Questions from the Committee

- 09:56:40 Vice Presiding Officer Barry Usher
- 09:57:30 Sen. Tom McGillvray
- 09:57:57 Jameson Walker
- 09:58:30 Presiding Officer Jason Ellsworth
- 09:59:33 Sen. Tom McGillvray
- 09:59:59 Presiding Officer Jason Ellsworth

Motion

10:00:34 Vice Presiding Officer Barry Usher moved to adopt PD0036JW as a committee bill.

Discussion on the Motion

10:01:00 Sen. Wendy McKamey

10:01:14 Presiding Officer Jason Ellsworth

Vote

10:01:50 Carried unanimously by voice vote.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

10:02:05 Presiding Officer Jason Ellsworth

[EXHIBIT 5](#)

10:02:16 Jameson Walker

Questions from the Committee

10:04:16 Rep. Fiona Nave

10:04:26 Jameson Walker

10:05:07 Sen. Daniel Emrich

10:06:37 Presiding Officer Jason Ellsworth

10:07:32 Vice Presiding Officer Barry Usher

10:08:02 Presiding Officer Jason Ellsworth

Motion

10:08:39 Vice Presiding Officer Barry Usher moved to adopt PD0037JW as a committee bill.

Discussion on the Motion

10:08:50 None

Vote

10:08:56 Carried unanimously by voice vote.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

10:09:11 Presiding Officer Jason Ellsworth

[EXHIBIT 6](#)

10:09:39 Jaret Coles

(See Exhibit 6)

Questions from the Committee

10:11:03 Sen. Wendy McKamey

10:12:09 Jaret Coles
10:14:50 Sen. Daniel Emrich
10:15:28 Sen. Tom McGillvray
10:16:48 Presiding Officer Jason Ellsworth
10:18:38 Sen. Daniel Emrich
10:20:43 Presiding Officer Jason Ellsworth
10:22:36 Vice Presiding Officer Barry Usher
10:23:11 Rep. Lyn Hellegaard
10:23:45 Presiding Officer Jason Ellsworth
10:24:07 Jaret Coles
10:25:16 Rep. Fiona Nave
10:25:32 Sen. Wendy McKamey
10:27:00 Jameson Walker
10:27:14 Jaret Coles
10:28:00 Rep. Fiona Nave
10:28:46 Sen. Daniel Emrich
10:29:52 Presiding Officer Jason Ellsworth
10:31:08 Sen. Daniel Emrich
10:32:39 Sen. Wendy McKamey
10:33:00 Presiding Officer Jason Ellsworth

Motion

10:33:35 Vice Presiding Officer Barry Usher moved to adopt PD0110 as a committee bill with comments and suggestions to Sen. Wendy McKamey to make appropriate changes.

Discussion on the Motion

10:34:05 Sen. Daniel Emrich
10:34:35 Presiding Officer Jason Ellsworth

Vote

10:36:17 Carried 8-2 by roll call vote with Sen. Tom McGillvray and Sen. Daniel Emrich voting 'no'.
10:37:35 Presiding Officer Jason Ellsworth
10:37:55 Jaret Coles

10:39:18 **Recessed**

11:02:16 **Reconvened**

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

11:02:17 Presiding Officer Jason Ellsworth
[EXHIBIT 7](#)

11:02:56 Vice Presiding Officer Barry Usher
(See Exhibit 7)
11:03:50 Julie Johnson

Questions from the Committee

11:04:36 Jim Ramlow
11:09:50 Presiding Officer Jason Ellsworth
11:10:52 Sen. Daniel Emrich
11:12:03 Sen. Wendy McKamey joined the meeting
11:13:40 Jim Ramlow
11:14:22 Presiding Officer Jason Ellsworth
11:14:34 Vice Presiding Officer Barry Usher
11:15:37 Sen. Tom McGillvray
11:16:41 Presiding Officer Jason Ellsworth

Motion

11:17:33 Vice Presiding Officer Barry Usher moved to adopt PD0036JJ as a committee bill with suggested changes.

Discussion on the Motion

11:17:47 Presiding Officer Jason Ellsworth
11:18:35 Sen. Tom McGillvray
11:19:28 Sen. Daniel Emrich

Call the Question

11:21:13 Sen. Tom McGillvray

Vote

11:21:18 Carried unanimously by voice vote.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

11:21:41 Presiding Officer Jason Ellsworth
[EXHIBIT 8](#)
11:22:08 Rep. Sue Vinton
11:23:39 Presiding Officer Jason Ellsworth
[EXHIBIT 9](#)
11:24:00 Jaret Coles

Questions from the Committee

11:25:02 Presiding Officer Jason Ellsworth
11:26:05 Sen. Tom McGillvray
11:27:30 Sen. Mark Noland

Motion

11:28:05 Vice Presiding Officer Barry Usher moved to accept PD0108 as a committee bill.

Discussion on the Motion

11:28:14 Presiding Officer Jason Ellsworth

Vote

11:28:22 Carried unanimously by voice vote.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

11:28:43 Presiding Officer Jason Ellsworth

[EXHIBIT 10](#)

11:29:14 Sen. Daniel Emrich

11:29:49 Presiding Officer Jason Ellsworth

[EXHIBIT 11](#)

11:31:03 Vice Presiding Officer Barry Usher

11:31:43 Sen. Tom McGillvray

11:32:44 Presiding Officer Jason Ellsworth

[EXHIBIT 12](#)

11:33:05 Rep. Fiona Nave

11:34:28 Julie Johnson

Questions from the Committee

11:35:03 Vice Presiding Officer Barry Usher

11:36:03 Julie Johnson

11:36:26 Sen. Tom McGillvray

11:36:37 Jameson Walker

11:38:50 Presiding Officer Jason Ellsworth

11:39:01 Jameson Walker

11:40:03 Presiding Officer Jason Ellsworth

11:41:52 Sen. Daniel Emrich

11:43:27 Rep. Fiona Nave

11:44:40 Presiding Officer Jason Ellsworth

11:46:12 Rep. Lyn Hellegaard

11:47:00 Sen. Daniel Emrich

11:48:35 Vice Presiding Officer Barry Usher

Motion

11:48:55 Vice Presiding Officer Barry Usher moved to pass PD0037JJ as a committee bill with Rep. Fiona Nave's recommendation to put it in the Department of Justice administration rather than the Department of Administration.

Discussion on the Motion

11:49:43 Presiding Officer Jason Ellsworth
11:50:35 Rep. Fiona Nave

Vote

11:50:40 Carried unanimously by voice vote.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

11:51:03 Vice Presiding Officer Barry Usher
11:52:06 Presiding Officer Jason Ellsworth
[EXHIBIT 13](#)

Motion

11:55:03 Vice Presiding Officer Barry Usher moved for PD0029 to be adopted as a committee bill.

Discussion on the Motion

11:55:15 None

Vote

11:55:18 Carried unanimously by voice vote.

Motion

11:55:33 Vice Presiding Officer Barry Usher moved for PD0030 to be adopted as a committee bill.
[EXHIBIT 14](#)

Discussion on the Motion

11:55:45 None

Vote

11:55:53 Carried unanimously by voice vote.
11:56:25 Sen. Tom McGillvray
11:57:24 Julianne Burkhardt
11:57:47 Presiding Officer Jason Ellsworth

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

11:58:29 Vice Presiding Officer Barry Usher
[EXHIBIT 15](#)

Questions from the Committee

11:59:26 Presiding Officer Jason Ellsworth

12:00:03 Jameson Walker

Motion

12:00:55 Vice Presiding Officer Barry Usher moved for PD0028 to be adopted as a committee bill.

Discussion on the Motion

12:01:06 Presiding Officer Jason Ellsworth
12:01:14 Vice Presiding Officer Barry Usher
12:01:41 Jameson Walker
12:02:24 Sen. Wendy McKamey
12:02:38 Jameson Walker
[EXHIBIT 16](#)
12:03:35 Sen. Chris Friedel

Call the Question

12:03:53 Rep. Lyn Hellegaard

Vote

12:03:55 Carried unanimously by voice vote.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE – Continued

12:04:10 Presiding Officer Jason Ellsworth
12:04:35 Jameson Walker
[EXHIBIT 17](#)
12:05:21 Sen. Carl Glimm

Motion

12:06:04 Vice Presiding Officer Barry Usher moved for PD0038 to be adopted as a committee bill.

Discussion on the Motion

12:06:13 Presiding Officer Jason Ellsworth
12:06:45 Sen. Daniel Emrich

Call the Question

12:07:23 Vice Presiding Officer Barry Usher

Vote

12:07:28 Carried unanimously by voice vote.

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

12:07:42 Presiding Officer Jason Ellsworth
(See Exhibit 11)
12:09:17 Jameson Walker
12:10:08 Sen. Tom McGillvray
12:10:51 Presiding Officer Jason Ellsworth
12:13:20 Sen. Daniel Emrich

12:15:28 **Recessed**
13:32:25 **Reconvened**

PUBLIC COMMENT ON ANY TOPIC UNDER THE COMMITTEE'S JURISDICTION

13:32:36 None

REVIEW AND DISCUSS LIST OF CURRENT COMMITTEE BILL DRAFT PROPOSALS AND DRAFT LANGUAGE - Continued

13:33:09 Vice Presiding Officer Barry Usher
[EXHIBIT 18](#)
13:37:02 Julie Johnson

Questions from the Committee

13:37:26 Presiding Officer Jason Ellsworth
13:37:31 Vice Presiding Officer Barry Usher
13:42:12 Sen. Daniel Emrich
13:44:41 Vice Presiding Officer Barry Usher
13:48:31 Sen. Wendy McKamey
13:49:05 Presiding Officer Jason Ellsworth
13:53:34 Sen. Tom McGillvray
13:53:52 Vice Presiding Officer Barry Usher
13:54:24 Presiding Officer Jason Ellsworth
13:54:57 Sen. Wendy McKamey
13:55:08 Vice Presiding Officer Barry Usher
13:56:27 Presiding Officer Jason Ellsworth
13:59:40 Sen. Daniel Emrich
14:09:20 Rep. Lyn Hellegaard
14:09:46 Vice Presiding Officer Barry Usher
14:09:55 Sen. Daniel Emrich
14:10:38 Presiding Officer Jason Ellsworth

Motion

14:12:44 Sen. Wendy McKamey moved to adopt PD0031 as a committee bill.

Discussion on the Motion

14:13:28 Sen. Chris Friedel

Vote

14:13:38 Carried unanimously by voice vote.

PUBLIC COMMENT ON ANY TOPIC UNDER THE COMMITTEE'S JURISDICTION - Continued

14:14:28 Presiding Officer Jason Ellsworth

[EXHIBIT 19](#)

COMMITTEE WORK SESSION

14:15:34 Vice Presiding Officer Barry Usher

[EXHIBIT 20](#)

14:16:10 Rep. Lyn Hellegaard

14:17:01 Presiding Officer Jason Ellsworth left the meeting and Vice Presiding Officer Barry Usher assumed the position of Presiding Officer.

Motion

14:18:11 Sen. Tom McGillvray moved that staff research and draft the bill that Rep. Lyn Hellegaard proposed.

Discussion on the Motion

14:18:27 None

Call the Question

14:18:34 Sen. Wendy McKamey

Vote

14:18:36 Carried unanimously by voice vote.

COMMITTEE WORK SESSION - Continued

14:18:48 Acting Presiding Officer Barry Usher

14:21:42 Sen. Tom McGillvray

14:23:09 Rep. Lyn Hellegaard

14:24:14 Julie Johnson, Deputy Director of Legal Services, Legislative Services Division (LSD)

14:24:33 Julianne Burkhardt, Attorney, LSD

14:24:42 Jaret Coles, Deputy Director of Legal Services, LSD

14:24:50 Jameson Walker, Attorney, LSD

[EXHIBIT 21](#)

14:25:10 Acting Presiding Officer Barry Usher

14:25:35 Jameson Walker, LSD

ADJOURNMENT

Adjournment: 14:26:29