



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

COMMITTEE STAFF

Jacelyn Sterling – Secretary
Jameson Walker – Attorney

PUBLIC MEMBERS

Andrew Billstein
Joan Mell
Jim Ramlow

MINUTES LOG

August 19, 2024

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

MEMBERS EXCUSED:

Sen. Daniel Emrich (R)
Sen. Steve Fitzpatrick (R)
Joan Mell, Public Member

MEMBERS ABSENT:

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

STAFF PRESENT:

Jacelyn Sterling, Secretary
Jameson Walker, Attorney

AGENDA ([Attachment 1](#))

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

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

09:00:10 Presiding Officer, Barry Usher called the meeting to order at 9:00 AM. The committee secretary took roll.

JUDICIAL DISCIPLINE IN THE STATES

09:02:46 Brittany Kauffman, CEO, Institute for the Advancement of the American Legal System (IAALS)

[EXHIBIT1](#)

Public comment

None

Committee Questions/Discussion

09:26:53 Rep. Sue Vinton
09:27:19 Brittany Kauffman, IAALS
09:30:03 Sen. Tom McGillvray
09:31:07 Brittany Kauffman
09:31:24 Presiding Officer Barry Usher
09:31:27 Jameson Walker, Attorney, Legislative Services Division (LSD)
09:32:47 Joan Mell
09:33:12 Brittany Kauffman
09:35:59 Sen. Tom McGillvray

09:36:23 Jameson Walker, LSD
09:37:15 Sen. Mark Noland
09:38:07 Brittany Kauffman
09:42:34 Presiding Officer Barry Usher
09:42:45 Rep. Fiona Nave
09:47:07 Jameson Walker
09:48:11 Presiding Officer Barry Usher
09:48:44 Brittany Kauffman
09:58:51 Sen. Mark Noland
09:59:35 Brittany Kauffman
10:04:08 Sen. Steve Hinebauch
10:04:46 Brittany Kauffman
10:05:54 Presiding Officer Barry Usher
10:06:26 Rep. Lyn Hellegard
10:06:50 Brittany Kauffman
10:07:30 Jameson Walker
10:08:23 Presiding Officer Barry Usher
10:08:32 Sen. Chris Friedel
10:09:37 Brittany Kauffman
10:12:10 Presiding Officer Barry Usher
10:13:06 Sen. Steve Hinebauch
10:13:39 Presiding Officer Barry Usher

10:15:10 **Recessed**

10:29:28 **Reconvened**

REVIEW OF DRAFT JUDICIAL PERFORMANCE EVALUATION COMMISSION BILL

10:29:36 Rachel Weiss, Research Director, Legislative Services Division (LSD)

[EXHIBIT2](#)

[EXHIBIT3](#)

10:37:49 Sen. Tom McGillvray

Public comment

None

Committee Questions/Discussion

10:39:01 Rep. Sue Vinton
10:41:06 Presiding Officer Barry Usher
10:41:26 Sen. Tom McGillvray
10:42:53 Rep. Sue Vinton

10:42:57 Presiding Officer Barry Usher
10:43:42 Sen. Tom McGillvray
10:44:30 Sen. Steve Hinebauch
10:45:02 Sen. Tom McGillvray
10:46:19 Sen. Steve Hinebauch
10:46:27 Rachel Weiss, LSD
10:47:37 Sen. Steve Hinebauch
10:47:52 Presiding Officer Barry Usher
10:50:09 Sen. Tom McGillvray
10:50:20 Andrew Billstein
10:50:43 Presiding Officer Barry Usher
10:50:59 Andrew Billstein
10:54:35 Sen. Tom McGillvray
10:55:48 Presiding Officer Barry Usher
10:55:52 Rachel Weiss
10:56:40 Sen. Tom McGillvray
10:56:59 Andrew Billstein
10:58:30 Sen. Tom McGillvray
10:59:21 Presiding Officer Barry Usher
10:59:44 Sen. Tom McGillvray
11:00:55 Sen. Steve Hinebauch
11:01:12 Sen. Tom McGillvray
11:02:08 Presiding Officer Barry Usher

11:02:44 **Recessed For Lunch**

13:31:03 **Reconvened**

NATIONAL PERSPECTIVES ON SPECIALTY COURTS, DEFINITIONS OF IMPEACHABLE OFFENSES, AND LEGISLATING JUDICIAL ETHICS/CONDUCT

13:32:02 Jessica Guarino, Policy Analyst, Civil and Criminal Justice, National Conference of State Legislatures (NCSL)

[EXHIBIT4](#)

Public comment

None

Committee Questions/Discussion

13:55:52 Sen. Tom McGillvray
13:56:33 Jessica Guarino, NCSL
14:00:37 Sen. Wendy McKamey
14:01:25 Jessica Guarino

14:03:41 Rep. Fiona Nave
14:03:51 Jessica Guarino
14:04:45 Presiding Officer Barry Usher
14:07:04 Jessica Guarino
14:07:15 Sen. Tom McGillvray
14:08:02 Jessica Guarino
14:08:12 Rep. Sue Vinton
14:08:35 Jessica Guarino
14:09:04 Sen. Mark Noland
14:09:52 Jessica Guarino
14:10:20 Sen. Steve Hinebauch
14:11:51 Jessica Guarino
14:14:40 Presiding Officer Barry Usher
14:16:07 Jessica Guarino
14:16:50 Sen. Steve Hinebauch
14:22:23 Jessica Guarino

RECENT SUPREME COURT RULING OVERVIEW

14:23:59 Jaret Coles, Attorney, Legislative Services Division (LSD)

Committee Questions/Discussion

14:24:15 Presiding Officer Barry Usher
14:38:02 Jaret Coles, LSD
14:39:50 Presiding Officer Barry Usher
14:39:55 Rep. Fiona Nave
14:41:11 Jaret Coles
14:42:05 Presiding Officer Barry Usher
14:42:18 Rep. Sue Vinton
14:42:38 Jaret Coles
14:42:54 Sen. Steve Hinebauch
14:43:16 Jaret Coles

14:46:31 **Recessed**

15:10:32 **Reconvened**

Committee Questions/Discussion Continued

15:10:50 Jaret Coles
15:15:44 Rep. Sue Vinton
15:15:59 Jaret Coles
15:17:14 Sen. Steve Hinebauch
15:17:28 Jaret Coles

15:17:58 Sen. Mark Noland
15:18:20 Rep. Sue Vinton
15:18:25 Jaret Coles
15:18:42 Sen. Steve Hinebauch
15:19:01 Jaret Coles
15:20:11 Presiding Officer Barry Usher
15:21:24 Jaret Coles
15:22:15 Sen. Tom McGillvray
15:22:54 Presiding Officer Barry Usher
15:23:11 Jaret Coles
15:24:43 Sen. Tom McGillvray
15:25:00 Jaret Coles
15:25:29 Sen. Tom McGillvray
15:28:22 Presiding Officer Barry Usher
15:28:40 Sen. Wendy McKamey
15:29:12 Jaret Coles
15:31:49 Jim Ramlow
15:35:20 Jaret Coles
15:40:52 Presiding Officer Barry Usher
15:42:49 Sen. Wendy McKamey
15:43:21 Presiding Officer Barry Usher
15:43:27 Jim Ramlow
15:45:11 Sen. Wendy McKamey
15:45:19 Presiding Officer Barry Usher

**PUBLIC COMMENT ON ANYTHING WITHIN THE JURISDICTION OF THE COMMITTEE
THAT HAS NOT BEEN DISCUSSED IN THIS MEETING**

15:46:30 Josh Butterfly, Prayer Warriors Tribal Council

[EXHIBIT5](#)

Committee Discussion

15:50:23 Sen. Chris Friedel
15:50:57 Presiding Officer Barry Usher

IN RECESS UNTIL AUGUST 20 AT 8:00

Recessed: 15:52:33