

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

**Call to Order:** Chair Keith Regier-R, on January 31, 2023 at 9:02 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 Hinebaugh (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 92 01/24/2023  
HB 169 01/24/2023  
HB 183 01/24/2023  
SB 204 01/24/2023

Executive Action:

SB 187 DO PASS AS AMENDED  
SB 99 DO PASS AS AMENDED  
SB 182 DO PASS  
SR 8 DO PASS

**HEARING ON HB 183 - Revise the Crime Victims Restitution Fund relating to burial amounts**

**Opening Statement:**

09:03:14 Rep. Nelly Nicol (D), HD 83, opened the hearing on HB 183, Revise the Crime Victims Restitution Fund relating to burial amounts.

**Proponent Testimony:**

09:04:49 Joan Eiel, Director, Office of Consumer Protection and Victim Services, Montana Department of Justice (DOJ)

09:06:32 Dana Toole, Special Services Bureau Chief Department of Justice (DOJ)

09:07:07 Brad Longcake, Montana Funeral Directors Association

09:07:45 Robin Turner, Montana Coalition Against Domestic and Sexual Violence

09:09:31 Maggie Bornstein, American Civil Liberties Union of Montana

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

09:10:59 Sen. Chris Friedel

09:11:11 Joan Eiel, DOJ

09:12:56 Chair Keith Regier

09:13:09 Joan Eiel, DOJ

09:15:14 Sen. Susan Webber

09:15:54 Joan Eiel, DOJ

09:16:35 Vice Chair Jen Gross

09:16:43 Joan Eiel, DOJ

09:16:50 Sen. Bob Brown

09:17:19 Brad Longcake, Montana Funeral Directors Association

09:18:38 Sen. Daniel Emrich

09:19:26 Dana Toole, DOJ

**Closing Statement:**

09:20:00 Rep. Nelly Nicol (D), HD 83, closed the hearing on HB 183.

**HEARING ON HB 92 - Revise laws related to addiction counselor assessments in DUI cases**

**Opening Statement:**

09:20:36 Rep. Paul Green (R), HD 41, opened the hearing on HB 92, Revise laws related to addiction counselor assessments in DUI cases.

**Proponent Testimony:**

09:21:51 Rebecca Connors, Motor Vehicle Division (MVD) Department of Justice (DOJ)

09:22:44 Maggie Bornstein, American Civil Liberties Union of Montana

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

09:23:48 Sen. Susan Webber

09:24:01 Rebecca Connors, MVD, DOJ

09:25:50 Felicia Koch, Montana Department of Justice Motor Vehicle Division

09:25:58 Sen. Andrea Olsen

09:27:23 Rebecca Connors, MVD, DOJ

09:27:29 Chair Keith Regier

09:28:16 Rebecca Connors, MVD, DOJ

**Closing Statement:**

09:28:33 Rep. Paul Green (R), HD 41, closed the hearing on HB 92.

**HEARING ON SB 204 - Generally revise DUI laws**

**Opening Statement:**

09:30:14 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 204,  
Generally revise DUI laws.

**Proponent Testimony:**

09:34:32 Maggie Bornstein, American Civil Liberties Union of Montana (ACLU)

**Opponent Testimony:**

09:36:44 Cory Swanson, Montana County Attorneys Association (MCAA)

09:45:30 Dan Smith, Montana Police Protective Association (MPAA)

09:47:09 Nicholas Eisele, Montana Police Officers Association

09:48:49 Doug Samuelson, Montana Highway Patrol

09:51:21 Jessie Luther, Association of Montana Troopers

09:52:01 Wyatt Glade, Custer County Attorney's Office

09:55:35 Jed Fitch, Beaverhead County Attorney's Office

09:57:54 Angela Wetzsteon, Montana County Attorneys Association

**Informational Witness Testimony:**

10:01:38 Ben Vetter, Director of Breath Analysis Program Montana

**Questions from Committee:**

10:02:35 Sen. Chris Friedel

10:03:30 Cory Swanson, MCAA

10:07:46 Chair Keith Regier

10:09:47 Cory Swanson, MCAA

10:12:33 Vice Chair Jen Gross

10:13:02	Maggie Bornstein, ACLU
10:14:50	Vice Chair Barry Usher
10:15:16	Ben Vetter, Director of Breath Analysis Program Montana
10:17:07	Vice Chair Barry Usher
10:18:01	Cory Swanson, MCAA
10:18:28	Vice Chair Barry Usher
10:18:53	Sen. Jeremy Trebas-R
10:20:19	Sen. Daniel Emrich
10:20:57	Cory Swanson, MCAA
10:30:34	Sen. Andrea Olsen
10:32:29	Dan Smith, MPPA
10:36:16	Sen. Andrea Olsen
10:37:31	Cory Swanson, MCAA
10:39:44	Sen. Chris Friedel
10:40:48	Sen. Jeremy Trebas-R
10:41:10	Sen. Daniel Emrich
10:42:40	Dan Smith, MPAA
10:45:19	Sen. Daniel Emrich
10:45:37	Cory Swanson, MCAA

**Closing Statement:**

10:47:13	Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 204.
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**HEARING ON HB 169 - Clarify confirmation requirements for interim judicial appointees**

**Opening Statement:**

10:49:21 Rep. Tony Brockman (R), HD 9, opened the hearing on HB 169, Clarify confirmation requirements for interim judicial appointees.

**Proponent Testimony:**

10:50:49 Kristen Juras, Lieutenant Governor, Montana

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

10:54:37 Sen. Andrea Olsen  
10:54:40 Lieutenant Governor, Kristen Juras  
10:57:32 Vice Chair Barry Usher  
10:58:03 Lieutenant Governor, Kristen Juras  
10:58:34 Sen. Chris Friedel

**Closing Statement:**

11:00:34 Rep. Tony Brockman (R), HD 9, closed the hearing on HB 169.

**EXECUTIVE ACTION ON SB 187 - Allow remote appearances by counsel in criminal and certain civil hearings**

11:18:26 **Motion:** Sen. Chris Friedel moved that **SB 187 DO PASS.**  
11:18:26 **Vote:** Motion failed unanimously by voice vote.  
11:19:45 **Motion:** Sen. Chris Friedel moved that **SB 187 BE AMENDED.**  
11:19:45 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Hinebauch, Sen. Manzella, Sen. Olsen, Sen. Usher, voting no.  
Sen. Hinebauch, By Proxy  
11:23:49 **Motion:** Sen. Chris Friedel moved that **SB 187 DO PASS AS AMENDED.**  
11:23:49 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.  
Sen. Kelker, By Proxy

**EXECUTIVE ACTION ON SB 99 - Provide for a youth health protection act**

- 11:28:14      **Motion:** Sen. Barry Usher moved that **SB 99 DO PASS.**
- 11:28:14      **Vote:** Motion failed unanimously by voice vote.
- 11:32:33      **Motion:** Sen. Barry Usher moved that **SB 99 BE AMENDED.**
- 11:32:33      **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.  
Sen. Kelker, By Proxy
- 11:44:54      **Motion:** Sen. Barry Usher moved that **SB 99 DO PASS AS AMENDED.**
- 11:44:54      **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.  
Sen. Kelker, By Proxy

**EXECUTIVE ACTION ON SB 182 - Create task force on a court system for dependency and neglect cases**

- 11:46:02      **Motion:** Sen. Barry Usher moved that **SB 182 DO PASS.**
- 11:46:02      **Vote:** Motion carried unanimously by roll call vote.

**EXECUTIVE ACTION ON SR 8 - Confirm governor's appointee for district court judge - district 10**

- 11:47:22      **Motion:** Sen. Barry Usher moved that **SR 8 DO PASS.**
- 11:47:22      **Vote:** Motion carried unanimously by roll call vote.

**ADJOURNMENT**

Adjournment: 11:48:42

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Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230131JUSaad\)](#)