



## SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM

### 68th 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

Jameson Walker, Attorney  
Jaret Coles, Attorney  
Todd Everts, Legal Services Director  
Julianne Burkhardt, Attorney  
Julie Johnson, Deputy Legal Director  
Jolanda Songer - Secretary

## MINUTES LOG

June 13, 2024  
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) – Via Zoom  
Sen. Chris Friedel (R) – Via Zoom  
Sen. Carl Glimm (R)  
Sen. Steve Hinebauch (R)  
Sen. Tom McGillvray (R)  
Sen. Wendy McKamey (R)  
Sen. Mark Noland (R)  
House Majority Leader Sue Vinton (R)

Rep. Lyn Hellegaard (R)  
Andrew Billstein, Public Member  
Joan Mell, Public Member

**MEMBERS EXCUSED:**

Sen. Steve Fitzpatrick (R)  
Rep. Fiona Nave (R)  
Jim Ramlow, Public Member

**MEMBERS ABSENT:**

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

**STAFF PRESENT:**

Jameson Walker, Legislative Attorney  
Jaret Coles, Legislative Attorney  
Todd Everts, Legal Services Director, and Code Commissioner  
Julianne Burkhardt, Legislative Attorney – Via Zoom  
Julie Johnson, Deputy Legal Director – Via Zoom  
Jolanda Songer, Secretary

**AGENDA** ([Attachment 1](#))

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

**CALL TO ORDER/ROLL CALL**

09:00:41 Presiding Officer Jason Ellsworth called the meeting to order at 9:00 AM. The committee secretary took roll.

**DISCUSSION OF ENACTED LEGISLATION REGARDING COURT RULES OF PROCEDURE AND OF ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION - Continued**

09:01:31 Julie Johnson, Attorney, Legislative Services Division (LSD)

[EXHIBIT 10](#)

[EXHIBIT 11](#)

[EXHIBIT 12](#)

**Questions from the Committee**

09:14:37 Sen. Carl Glimm  
09:15:24 Sen. Wendy McKamey  
09:16:36 Presiding Officer Jason Ellsworth  
09:17:34 Majority Leader Sue Vinton  
09:18:47 Vice Presiding Officer Barry Usher  
09:21:00 Todd Everts, Chief Legal Counsel, LSD  
09:21:41 Jaret Coles, Attorney, LSD

09:22:16 Vice Presiding Officer Barry Usher  
09:23:08 Joan Mell, Public Member  
09:24:17 Vice Presiding Officer Barry Usher  
09:24:42 Sen. Tom Gillvray  
09:24:57 Sen. Wendy McKamey  
09:26:18 Presiding Officer Jason Ellsworth

**DISCUSSION OF ENACTED LEGISLATION REGARDING COURTH RULES OF PROCEDURE AND OF ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION - Continued**

09:29:44 Julie Johnson (See Exhibit 12)

**Questions from the Committee**

09:52:30 Sen. Carl Glimm  
09:55:00 Sen. Tom McGillvray  
09:57:18 Presiding Officer Jason Ellsworth  
09:59:20 Sen. Steve Hinebauch  
10:00:27 Sen. Chris Friedel  
10:03:11 Rep. Lyn Hellegaard  
10:05:16 James Ramlow, Public Member  
10:10:14 Presiding Officer Jason Ellsworth requested information from staff.  
10:14:13 Sen. Tom McGillvray  
10:16:41 Presiding Officer Jason Ellsworth left the meeting.  
10:16:41 Vice Presiding Officer Barry Usher assumed the chair.  
10:16:42 Vice Presiding Officer Barry Usher  
10:16:59 Todd Everts  
10:17:14 Sen. Tom McGillvray

**DISCUSSION OF ENACTED LEGISLATION REGARDING COURT RULES OF PROCEDURE AND OF ARTICLE V11, SECTION 2, OF THE MONTANA CONSTITUTION - Continued**

10:17:58 Julie Johnson

[EXHIBIT 13](#)

10:21:01 Presiding Officer Jason Ellsworth assumed the chair.

**Questions from the Committee**

10:24:19 Majority Leader Sue Vinton

**DISCUSSION OF ENACTED LEGISLATION REGARDING COURT RULES OF PROCEDURE AND OF ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION - Continued**

10:26:07 Julie Johnson (See Exhibit 13)

**Questions from the Committee**

10:31:35 Vice Presiding Officer Barry Usher

**DISCUSSION OF ENACTED LEGISLATION REGARDING COURT RULES OF PROCEDURE AND OF ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION - Continued**

10:32:35 Julie Johnson (See Exhibit 13)

**Questions from the Committee**

10:35:10 Vice Presiding Officer Barry Usher

**DISCUSSION OF ENACTED LEGISLATION REGARDING COURT RULES OF PROCEDURE AND OF ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION - Continued**

10:35:54 Julie Johnson

[EXHIBIT 14](#)

10:36:26 Vice Presiding Officer Barry Usher

**Questions from the Committee**

- 10:48:26 Sen. Wendy McKamey
- 10:48:32 Presiding Officer Jason Ellsworth
- 10:49:11 Rep. Lyn Hellegaard
- 10:49:57 Sen. Wendy McKamey
- 10:50:18 Presiding Officer Jason Ellsworth
- 10:50:29 Vice Presiding Officer Barry Usher
- 10:52:37 Presiding Officer Jason Ellsworth
- 10:55:27 Vice Presiding Officer Barry Usher
- 10:56:04 Presiding Officer Jason Ellsworth
- 10:56:27 Sen. Chris Friedel
- 10:59:46 Joan Mell
- 11:01:28 Vice Presiding Officer Barry Usher
- 11:02:54 Presiding Officer Jason Ellsworth
- 11:05:24 Jaret Coles
- 11:05:54 Presiding Officer Jason Ellsworth

**DISCUSSION OF ENACTED LEGISLATION REGARDING COURT RULES OF PROCEDURE AND OF ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION - Continued**

11:06:43 Todd Everts, LSD

11:07:07 Vice Presiding Officer Barry Usher left the meeting.

**Questions from the Committee**

- 11:13:32 Presiding Officer Jason Ellsworth
- 11:16:50 Vice Presiding Officer Barry Usher rejoined the meeting.
- 11:17:40 Todd Everts
- [EXHIBIT 15](#)
- 11:19:59 Vice Presiding Officer Barry Usher
- 11:20:52 Presiding Officer Jason Ellsworth
- 11:23:32 Sen. Mark Noland
- 11:24:07 Presiding Officer Jason Ellsworth
- 11:29:13 Majority Leader Sue Vinton

11:31:07 Sen. Mark Noland  
11:32:45 Joan Mell  
11:35:13 Presiding Officer Jason Ellsworth  
11:38:55 Joan Mell  
11:42:06 Vice Presiding Officer Barry Usher  
11:43:38 Joan Mell  
11:45:06 Presiding Officer Jason Ellsworth  
11:47:13 Presiding Officer Jason Ellsworth directed staff to provide suggestions regarding potential solutions for the veto process.  
11:52:48 Sen. Tom McGillvray  
11:53:25 Vice Presiding Officer Barry Usher  
11:54:04 Presiding Officer Jason Ellsworth left the meeting.  
11:54:04 Vice Presiding Officer Barry Usher assumed the chair.  
11:55:11 Todd Everts (See Exhibit 15, Page 3)  
11:57:03 **Recessed**  
12:29:38 **Reconvened**  
12:29:42 Vice Presiding Officer Barry Usher

**OVERVIEW OF COURT OPINIONS ON BALLOT INITIATIVES (LEGISLATIVE AND CITIZEN)**

12:30:41 Jaret Coles, LSD

[EXHIBIT 16](#)

**Questions from the Committee**

12:38:17 Sen. Tom McGillvray

12:39:34 Rep. Lyn Hellegaard

**OVERVIEW OF COURT OPINIONS ON BALLOT INITIATIVES (LEGISLATIVE AND CITIZEN)**

**- Continued**

12:41:29 Jaret Coles

**Questions from the Committee**

12:45:59 Sen. Tom McGillvray

12:46:35 Vice Presiding Officer Barry Usher

12:46:41 Sen. Tom McGillvray

**OVERVIEW OF COURT OPINIONS ON BALLOT INITIATIVES (LEGISLATIVE AND CITIZEN)**

**- Continued**

12:47:54 Jaret Coles (See Exhibit 16 and [sosmt.gov](http://sosmt.gov))

**Questions from the Committee**

12:52:28 Sen. Tom McGillvray

**OVERVIEW OF COURT OPINIONS ON BALLOT INITIATIVES (LEGISLATIVE AND CITIZEN) - Continued**

12:54:07 Jaret Coles (See <https://sosmt.gov/> and <https://leg.mt.gov/committees/other-groups/sjor/>)

**Questions from the Committee**

13:29:02 Vice Presiding Officer Barry Usher

13:32:37 Sen. Carl Glimm

**OVERVIEW OF COURT OPINIONS ON BALLOT INITIATIVES (LEGISLATIVE AND CITIZEN) - Continued**

13:36:14 Jaret Coles (See Exhibit 16)

**Questions from the Committee**

13:49:28 Sen. Mark Noland

**PUBLIC COMMENT ON ANY TOPIC UNDER THE COMMITTEE'S JURISDICTION**

13:53:18 None

**Questions from the Committee**

13:53:41 Vice Presiding Officer Barry Usher

13:54:17 Majority Leader Sue Vinton

13:54:24 Vice Presiding Officer Barry Usher

**ADJOURNMENT**

Adjournment: 13:55:34