

THE STATE OF MONTANA

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
Fax : 406-444-1643
www.politicalpractices.mt.gov

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COMMISSIONER OF
POLITICAL PRACTICES

2012 SEP -5 P 8:03

HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

Lobbying

Complaint Form (10/09)

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name

Catherine R Reid

Complete Mailing Address

1802 W. Lincoln #3
Bozeman, MT 59715

Phone Numbers:

Work

406.587.0990

Home

406.624.6748

Person or organization against whom complaint is brought (Respondent):

Complete Name

Department of Justice/Attorney General Steve Bullock

Complete Mailing Address

303 N. Roberts St. Helena Montana 59620

Phone Numbers:

Work

406-444-2026

Home

Please complete the second page of this form and describe in detail the facts of the alleged violation.

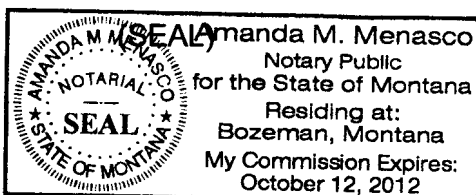
Verification by oath or affirmation

State of Montana, County of

Gallatin

Catherine Reid, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.

Catherine Reid
Signature of Complainant



Subscribed and sworn to before me this 5th day of September, 2012.

Amanda M. Menasco
Notary Public

My Commission Expires: 10/12/2012

Statement of facts:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

The Department of Justice and Attorney General Steve Bullock have violated Montana's lobbying laws. He violated MCA 5-7-208 Principals to file report. (5)(d) List each official action on which the principal or principal's agents exerted a major effort to support, oppose, or modify, together with a statement of the principal's position for or against the action;

2011 Legislative session the DOJ has wage efforts on more bills than they are reporting. This is not just a violation of the laws of the state of Montana, this is a breach of the public trust for it is of utmost importance for the citizens of Montana to know who is lobbying and what those organizations are lobbying for whether it be private companies or public agencies. Attached are the bills listed on COPP's website or download files that DOJ lobbied for. However also attached are minutes from legislative meetings of bills that DOJ lobbied for and against in legislative hearings, see attached

Complaint must be:

- signed
- notarized
- delivered in person or by certified mail.

Legislation supported or opposed in 2009, 2012 legislative session

Legislation supported or opposed in 2009, 2012 legislative session			
2011	LC0380	Allow public defender access to jailed persons prior to court appointment	Sponsored
2011	LC0382	Allow for flat fee public defender contracts in certain situations	Sponsored
2011	LC0383	Remove jail time as penalty in certain misdemeanor cases	Sponsored
2011	LC0384	Allow standard rate for county jail per diem costs to be set by rule	Sponsored
2011	LC0386	Require fingerprinting for certain misdemeanor cases	Sponsored
2011	LC0395	Generally revise motor vehicle laws	Sponsored
2011	LC0409	Amend campaign contributions laws	Sponsored
2011	SB 347	Revise the private property assessment act	Opposed
2011	SB 344	Enacting the Montana Property Fairness Act.	Opposed
2011	HB 106	Provide for a 24/7 sobriety project for impaired driving offenders	Proponent
2011	HB 114	Amend Montana crime victims compensation act	Proponent
2011	HB 117	Require collection of DNA samples from offenders under interstate compact	Proponent
2011	HB 126	Amend youth court act to clarify sentencing authority	Proponent
2011	HB 203	Allow evidence of other crimes in prosecution of sexual offenses	Proponent
2011	HB 245	Provide for reduction in size of supreme court	Proponent
2011	HB 250	Repeal 46-13-109 to conform with Montana Supreme Court opinion	opponent
2011	HB 299	Provide that third DUI is a felony	Proponent
2011	HB 369	Revise fish and game enforcement laws	opponent
2011	HB 374	Implement the Uniform Power of Attorney model law	Proponent
2011	HB 379	Generally revise search warrant requirements	Proponent
2011	HB 496	Allowing law enforcement agencies to destroy certain firearms they possess	Proponent
2011	HB 548	Revising 46-18-203 regarding revocation of a suspended or deferred sentence	Proponent
2011	HB 585	Require public disclosure of contracts with outside counsel for state agencies	opponent
2011	SB 15	Create misdemeanor crime of aggravated DUI	Proponent
2011	SB 40	Statewide on-call judge for search warrants	Proponent
2011	SB 41	Allow cities to establish courts of record	Proponent
2011	SB 42	Authorize warrants to obtain blood or breath test in DUI cases	Proponent
2011	SB 57	Enhance penalty for consumer protection violations	Proponent
2011	SB 58	Lengthen time DNA evidence must be preserved in certain cases	Info.
2011	SB 60	Amend security credit freeze law to protect certain persons	Proponent
2011	SB 68	Clarify duty of driver in accident to remain at the scene	Proponent
2011	SB 106	Compel participation in lawsuit on health care reform	opponent
2011	SB 152	Increase the penalty for sexual assault for second and subsequent offenses	Proponent
2011	SB 185	Abolish death penalty and replace with life in prison w/o parole	Proponent
2011	SB 308	Provide for criminal offense for refusal of alcohol testing	Proponent
2011	SB 324	Revise consumer protection laws and settlement proceeds	opponent
2011	SB 423	Generally revise laws relating to use of marijuana	Proponent
2011	HB 12	Revise jurisdiction for misdemeanor DUI/BAC offenses	Never
2011	HB 18	Vehicular homicide under the influence - minor prosecuted as adult	Proponent
2011	HB 33	Provide that any amount of dangerous drugs is impaired driving per se	Proponent
2011	HB 67	Strengthen ACT laws for treatment of DUI and BAC offenders	Proponent
2011	HB 102	Revise probationary driver's license provisions for DUI court participation	Proponent
2011	HB 158	Allow certain physicians in emergency situations to use blinker or red light	Info
2011	HB 179	Disallow unemployment benefits for certain employee terminations	not sure
2011	HB 195	Revise driver's license format to include resident address	Proponent
2011	HB 305	Remove property tax exemption for hospitals other than critical access hospitals	Info
2011	SB 29	Mandatory alcohol server and sales training	Proponent
2011	SB 150	Provide for protection of rights through actions against public officials	opponent

Lobbyist and Principal Search



[INSTRUCTIONS](#) [HOW DO I](#) [FEEDBACK](#)

Principal Search Results - Details

Principal:
Department of Justice

Principal Representative:
Tim Burton

Contact Phone:
406-444-2026

City:
Helena

Session Year Subjects:

All matters in which the principal has an interest	SB 150 - Info	SB 29
HB 305 - Info.	HB 12, HB 67, HB 102, SB 179	HB 195 - Info.
HB 33	HB 158 - Info.	SB 58 Info
HB 18		

Associated Lobbyists:

Lobbyist Name	Authorization Date	Termination Date
<u>Ali Bovinodon</u>	01/01/2011	N/A

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MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 3, 2011 at 9:00 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Lynda Moss (D)

Members Excused:

Sen. Cliff Larsen (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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 71, 2/22/2011; HB 106, 2/22/2011

Executive Action: HB 65-Be Concurred In, HB 97-Be Concurred In

HEARING ON HB 71

Opening Statement by Sponsor:

00:05:05 Rep. Gordon Vance (R), HD 67, opened the hearing on HB 71, Provide that illegal alien may not receive workers' comp.

Proponents' Testimony:

00:09:11 Tim Ravndal, Constitutional Defenders, Lewis and Clark Conservative Tea Party (LCCTP)

00:10:36 Pat McCain, self

00:11:35 Roger Nummerdor, self

EXHIBIT(jus48a01)

Opponents' Testimony:

00:13:08 Bruce Spencer, Property Casualty Insurance (PCI), also for Jacqueline Lenmark, American Insurance Association (AIA)

00:16:33 Brad Griffin, Montana Retail Association (MRA), Montana Restaurant Association (MRA), Montana Tire Dealers Association (MTDA)

00:18:06 Jason Miller, Chairman, Labor Management Advisory Council, Workman's Compensation Fund

00:19:18 Bob Worthington, Vice Chairman, Labor Management Advisory Council, Workman's Compensation Fund

00:20:50 Phil Maxwell, Three Rivers Cooperative, Fairfield, Montana

00:21:21 John Metropoulos, Farmers Insurance Group

00:22:18 Andrea Olsen, Montana Trial Lawyers Association (MTLA)

00:23:49 Ronda Wiggers, Helena Chamber of Commerce, Great Falls Chamber of Commerce

00:24:20 Larry Jones, Liberty Mutual Insurance, Liberty Northwest Insurance

00:24:41 Riley Johnson, National Federation of Independent Business (NFIB)

00:24:58 Niki Zupanic, American Civil Liberties Union of Montana (ACLU/MT)

00:27:17 Jamee Greer, Montana Human Rights Network (MHRN)

Informational Testimony:

00:29:19 Nancy Butler, Montana State Fund (MSF)

00:29:45 Mark Cadwallader, Staff Attorney, Department of Labor and Industry (DL&I), State of Montana

Questions from Committee Members and Responses:

00:30:56 Sen. Augare

00:32:35 Rep. Vance

00:34:12 Sen. Blewett

00:36:06 Ms. Zupanic

00:39:15 Sen. Essmann
00:39:35 Mr. Miller
00:41:29 Sen. Essmann
00:41:48 Mr. Griffin
00:43:40 Sen. Hinkle
00:44:16 Rep. Vance
00:44:46 Sen. Moss
00:45:32 Ms. Butler
00:47:46 Sen. Hinkle
00:48:16 Ms. Zupanic

Closing by Sponsor:

00:52:04 Rep. Vance

HEARING ON HB 106

Opening Statement by Sponsor:

00:56:01 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 106, Provide for a 24/7 sobriety project for impaired driving offenders.

Proponents' Testimony:

00:59:13 Steve Bullock, Attorney General, Department of Justice (DOJ), State of Montana

EXHIBIT(jus48a02)

EXHIBIT(jus48a03)

EXHIBIT(jus48a04)

01:05:30 Kristi Blazer, Montana Beer and Wine Distributors Association (MBWDA)

01:07:20 Karl Pentecost, father of son, Carl Pentecost and daughter-in-law, Char, killed by drunk driver, Travis Fuqua

01:11:20 Leo Dutton, Sheriff, Lewis and Clark County, Helena, Montana, also for Leo Gallagher, Lewis and Clark County Attorney, Helena, Montana

01:15:13 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ, State of Montana

01:18:52 Bill Mickleson, Mickelson Consulting Group

EXHIBIT(jus48a05)

EXHIBIT(jus48a06)

01:22:14 Dexter Levandoski, Compliance Monitoring Devices, Secure Remote Alcohol Monitoring (SCRAM)

01:24:21 Rebecca Sturdevant, Mothers Against Drunk Drivers, (MADD), also for Kris Minard

EXHIBIT(jus48a07)

01:27:07 Scott Twito, Yellowstone County Attorney, Billings, Montana

01:29:19 Jessie Luther, Association of Montana Troopers (AMT)

Opponents' Testimony:

None

Informational Testimony:

01:30:09 Vicki Turner, Prevention Resource Center, Department of Public Health and Human Services (DPHHS), State of Montana

Questions from Committee Members and Responses:

01:30:39 Sen. Hinkle
01:30:59 Rep. Lavin
01:31:21 Mr. Bullock
01:32:08 Sen. Murphy
01:32:27 Sheriff Dutton
01:33:32 Mr. Levandoski

Closing by Sponsor:

01:34:50 Rep. Lavin

01:35:40 Sen. Murphy

(Sen. Vincent, Sen. Larsen, Sen. Essmann, and Sen. Peterson absent from room)

EXECUTIVE ACTION ON SB 65

01:36:53 **Motion/Vote:** Sen. Blewett moved that **HB 65 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Blewett will carry the bill.

EXECUTIVE ACTION ON SB 97

01:38:26 **Motion/Vote:** Sen. Shockley moved that **HB 97 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Shockley will carry the bill.

Committee Business:

01:39:33 Sen. Moss
01:39:45 Sen. Shockley

EXHIBIT(jus48a08)

Exhibit from Valencia Lane, Legislative Services Division (LSD) regarding HB 106 heard today, 3/3/11

ADJOURNMENT

Adjournment: 10:42 A.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT(jus48aad.pdf)

MINUTES

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 4, 2011 at 8:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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 114, 2/21/2011; HB 235, 2/21/2011; HB 360, 2/21/2011

Executive Action: HB 96-Be Concurred In, HB 114-Be Concurred In, HB 71-Be Concurred In, HB 106-Be Concurred In

**MEDICAL MARIJUANA PRESENTATION TO THE COMMITTEE MEMBERS REGARDING
BILLS CURRENTLY IN THE LEGISLATIVE SESSION:**

00:02:11 Sue O'Connell, Research Analyst Legislative Services Division (LSD)

EXHIBIT(jus49a01)

EXHIBIT(jus49a02)

EXHIBIT(jus49a03)

00:24:30 Sen. Shockley

00:24:47 Ms. O'Connell

00:24:58 Sen. Murphy

00:25:05 Ms. O'Connell

00:26:29 Sen. Hinkle

00:26:51 Ms. O'Connell

00:28:02 Sen. Larsen

00:28:28 Ms. O'Connell

00:31:05 Sen. Shockley

00:31:13 Ms. O'Connell

00:31:53 Sen. Peterson

00:32:51 Ms. O'Connell

00:34:18 Chairman Murphy

Recess

HEARING ON HB 114

Opening Statement by Sponsor:

01:01:15 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 114, Amend Montana crime victims compensation act.

Proponents' Testimony:

01:02:40 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ), State of Montana

EXHIBIT(jus49a04)

01:05:44 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:07:33 Sen. Moss

01:08:01 Ms. Bovingdon

Closing by Sponsor:

01:08:55 Rep. O'Hara

EXHIBIT(jus49a05)

Exhibit from Harold Blattie, self, regarding HB 114

HEARING ON HB 235

Opening Statement by Sponsor:

01:09:47 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 235, Allow parties to liens to enter into arbitration.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:12:23 Sen. Shockley
01:12:39 Rep. Fitzpatrick
01:13:46 Sen. Blewett
01:14:31 Rep. Fitzpatrick

Closing by Sponsor:

01:16:07 Rep. Fitzpatrick

(Recess)

(Sen. Essmann, Sen. Hutton, Sen. Peterson, and Sen. Hinkle absent from the room)

EXECUTIVE ACTION ON HB 96

01:22:20 **Motion/Vote:** Sen. Shockley moved that **HB 96 BE CONCURRED IN**. Motion carried 11-1 by roll call vote with Sen. Vincent voting no. Sen. Essmann, Sen. Hinkle, Sen. Hutton and Sen. Peterson voted by proxy. Sen. Shockley will carry the bill.

HEARING ON HB 360

Opening Statement by Sponsor:

01:24:17 Rep. Daniel Salomon (R), HD 12, opened the hearing on HB 360, Criminalize passengers failure to report certain motor vehicle accidents.

EXHIBIT(jus49a06)

Proponents' Testimony:

01:28:29 Rep. Janna Taylor, HD 11

01:29:50 Joan Sherman, mother of daughter, Jami, killed in a hit and run accident July 1, 2006

EXHIBIT(jus49a07)

01:32:43 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:35:26 Sen. Larsen

01:35:56 Rep. Salomon

01:36:05 Rep. Kris Hansen

01:37:25 Sen. Augare

01:40:46 Sen. Shockley

Closing by Sponsor:

01:45:36 Rep. Salomon

(Sen. Hinkle returned to the room)

EXECUTIVE ACTION ON HB 114

01:47:03 **Motion/Vote:** Sen. Moss moved that **HB 114 BE CONCURRED IN.** Motion carried unanimously by roll call vote Sen. Hutton, Sen. Peterson and Sen. Essmann voted by proxy. Sen. Moss will carry the bill.

COMMITTEE BUSINESS REGARDING: EXECUTIVE ACTION ON HB 235

01:47:55 Sen. Blewett

EXECUTIVE ACTION ON HB 360

01:48:01 Valencia Lane, Legislative Services Division (LSD)
01:48:55 Sen. Jent
01:52:45 Ms. Bovingdon
01:53:53 Sen. Murphy
01:53:57 Sen. Jent
01:54:12 Sen. Shockley
01:54:42 Valencia Lane, LSD
01:55:02 Chairman Murphy , postponed Executive Action on HB 360

EXECUTIVE ACTION ON HB 71

01:56:18 Sen. Blewett
01:56:33 Sen. Murphy
01:56:55 Sen. Shockley

01:57:52 **Motion:** Sen. Hinkle moved that **HB 71 BE CONCURRED IN.**

01:58:04 Sen. Augare
01:59:31 Sen. Blewett
02:02:01 Sen. Shockley

02:03:08 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Jent, Sen. Larsen, Sen. Moss and Sen. Murphy voting no. Sen. Essmann, Sen. Hutton and Sen. Peterson voted by proxy. Sen. Hinkle will carry the bill.

EXECUTIVE ACTION ON HB 106

02:04:37 **Motion/Vote:** Sen. Shockley moved that **HB 106 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Hutton and Sen. Peterson voted by proxy. Sen. Jent will carry the bill.

ADJOURNMENT

Adjournment: 10:07 A.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT(jus49aad.pdf)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ken Peterson, on January 11, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Carolyn Pease-Lopez (D)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 65, 1/7/2011; HB 114, 1/7/2011; HB 167, 1/7/2011

Executive Action: HB 65, HB 96, HB 97

00:00:11 Chairman Peterson

HEARING ON HB 65

Opening Statement by Sponsor:

00:04:57 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 65, Revise payment for court interpretation services.

00:08:29 Chairman Peterson

Proponents' Testimony:

00:08:37 Lois Menzies, Court Administrator for the Supreme Court

00:09:56 Chairman Peterson

00:10:02 Beth Brenneman, Disability Rights Montana

00:10:26 Chairman Peterson

Opponents' Testimony:

Informational Testimony:

Questions from Committee Members and Responses:

Closing by Sponsor:

00:10:51 Rep. Menahan

HEARING ON HB 114

Opening Statement by Sponsor:

00:11:06 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 114, Amend Montana crime victims compensation act.

00:13:51 Chairman Peterson

Proponents' Testimony:

00:14:01 Ali Bovingdon, on behalf of Attorney General's Office (AG)

EXHIBIT(juh08a01)

00:17:59 Chairman Peterson

EXHIBIT(juh08a02)

00:21:45 Chairman Peterson

00:21:56 Kelsen Young, Executive Director of Montana Coalition Against Domestic and Sexual Violence

00:23:06 Chairman Peterson
00:23:18 Marietta Jaeger-Lane, Three Forks, Montana, mother of homicide victim
00:27:47 Chairman Peterson
00:27:53 Jim Smith, Montana Sheriff's and Peace Officers Association and Montana
County Attorney's Association
00:28:49 Chairman Peterson
00:29:00 Beth Brenneman, Disability Rights Montana
00:29:25 Chairman Peterson
00:29:29 Katie McKeown, Montana Family and Friends of Homicide Victims
00:30:59 Chairman Peterson

Opponents' Testimony:

Informational Testimony:

Questions from Committee Members and Responses:

00:31:25 Rep. More
00:32:00 Ms Bovingdon, AG
00:32:16 Rep. More
00:32:20 Chairman Peterson
00:32:25 Rep. Warburton
00:32:52 Ms Bovingdon
00:34:30 Chairman Peterson
00:34:34 Rep. Harris exited.
00:34:36 Vice Chairman Kerns
00:34:47 Ms Bovingdon
00:34:58 Matthew Dale, Director, Department of Justice, Office of Consumer Protection
and Victim Services (DOJ)
00:35:35 Vice Chairman Kerns
00:35:40 Chairman Peterson
00:35:43 Vice Chairman Kerns
00:35:49 Mr. Dale, DOJ
00:35:56 Chairman Peterson
00:36:06 Rep. Howard
00:36:14 Ms Bovingdon
00:36:18 Rep. Pease-Lopez entered.
00:37:59 Chairman Peterson
00:38:44 Ms Bovingdon
00:38:56 Chairman Peterson
00:39:00 Mr. Dale
00:39:50 Chairman Peterson
00:39:54 Mr. Dale
00:40:06 Chairman Peterson
00:40:09 Mr. Dale
00:40:21 Chairman Peterson
00:40:24 Rep. Menahan
00:40:38 Chairman Peterson
00:40 40 Rep. Harris returned.

Closing by Sponsor:

00:40:52 Rep. O'Hara

HEARING ON HB 167

Opening Statement by Sponsor:

00:41:33 Rep. Keith Regier (R), HD 5, opened the hearing on HB 167, Criminalize offense involving death to an unborn child.
00:44:39 Rep. Hansen exited.

Proponents' Testimony:

00:47:21 Chairman Peterson
00:47:24 Greg Trude, Executive Director, Right to Life in Montana
00:48:11 Chairman Peterson
00:48:19 Jeff Laszloffy, President, Montana Family Foundation
00:50:32 Chairman Peterson
00:50:38 Dallas Erickson, Montana Citizens for Decency through Law
00:51:14 Rep. Howard exited.
00:54:27 Chairman Peterson
00:54:30 Rep. Hansen returned.
00:54:32 Harris Himes, Hamilton, Montana Eagle Forum, Pastor
00:55:42 Rep. Menahan
00:55:43 Rep. Wagner exited.
00:55:49 Chairman Peterson
00:55:52 Mr. Himes
00:56:37 Chairman Peterson

Opponents' Testimony:

00:57:17 Niki Zupanic, American Civil Liberties Union of Montana (ACLU)
00:59:04 Chairman Peterson
00:59:07 Alex Corcoran, Natural Abortion Rights Action League Pro-Choice Montana (NARAL)
00:59:42 Rep. Wagner returned.
01:00:22 Chairman Peterson
01:00:27 Lindsey Love, Planned Parenthood of Montana
01:04:11 Chairman Peterson
01:04:16 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence
01:05:24 Chairman Peterson

Informational Testimony:

None

Questions from Committee Members and Responses:

01:05:51 Rep. Warburton
01:06:02 Rep. Howard returned.
01:06:09 Mr. Trude
01:06:17 Rep. Warburton
01:06:26 Mr. Trude
01:06:34 Rep. Warburton
01:06:43 Mr. Trude
01:06:50 Rep. Warburton
01:07:11 Mr. Trude
01:07:16 Rep. Sands
01:07:22 Rep. Regier
01:07:28 Rep. Sands
01:08:02 Rep. Regier
01:08:28 Rep. Sands
01:08:50 Chairman Peterson
01:08:54 Rep. Harris
01:09:01 Ms Love
01:09:10 Rep. Harris
01:10:13 Ms Love
01:11:23 Rep. Harris
01:11:53 Ms Love
01:12:43 Rep. Harris
01:13:18 Ms Love
01:13:22 Chairman Peterson
01:13:25 Rep. Driscoll
01:13:29 Rep. Regier
01:13:35 Rep. Driscoll
01:13:57 Rep. Regier
01:14:10 Rep. Driscoll
01:14:13 Chairman Peterson
01:14:15 Rep. Hill
01:14:20 Mr. Erickson

EXHIBIT(juh08a03)

01:14:32 Rep. Hill
01:14:43 Mr. Erickson
01:15:02 Rep. Hill
01:15:08 Mr. Himes
01:15:39 Rep. Hill
01:15:43 Mr. Himes
01:15:47 Rep. Hill
01:16:05 Mr. Himes
01:16:20 Rep. Hill
01:16:23 Mr. Himes
01:16:44 Rep. Hill
01:16:47 Chairman Peterson
01:16:51 Rep. O'Hara
01:16:57 Ms Love
01:17:09 Rep. O'Hara

01:17:36 Ms Love
01:17:50 Rep. O'Hara
01:17:55 Chairman Peterson
01:17:57 Rep. Bangerter
01:18:04 Ms Zupanic, ACLU
01:18:15 Rep. Bangerter
01:18:37 Ms Zupanic
01:19:19 Rep. Bangerter
01:19:24 Chairman Peterson
01:19:29 Rep. Bangerter
01:19:42 Ms Zupanic
01:20:48 Rep. Bangerter
01:20:53 Chairman Peterson
01:20:55 Rep. Menahan
01:21:34 Mr. Trude
01:22:25 Rep. Menahan
01:22:33 Rep. O'Hara exited.
01:22:54 Mr. Trude
01:23:34 Rep. Menahan
01:23:38 Chairman Peterson
01:23:41 Rep. Hansen
01:25:03 Ms Zupanic
01:25:30 Rep. O'Hara returned.
01:26:18 Chairman Peterson
01:26:28 Rep. Skattum
01:26:39 Ms Love
01:26:42 Rep. Skattum
01:27:22 Ms Love
01:27:26 Rep. Skattum
01:27:31 Ms. Love
01:28:05 Rep. Skattum
01:28:09 Chairman Peterson
01:28:11 Rep. Skattum
01:28:48 Ms Love
01:29:08 Rep. Skattum
01:29:13 Chairman Peterson
01:29:16 Ms Zupanic
01:29:42 Rep. Skattum
01:30:01 Ms Zupanic
01:31:01 Rep Skattum
01:31:06 Ms Zupanic
01:31:10 Chairman Peterson
01:31:12 Rep. Hansen
01:31:17 Rep. Regier
01:31:24 Rep. Hansen
01:31:48 Rep. Regier
01:31:51 Chairman Peterson
01:32:09 Rep. Harris
01:32:26 Ms Zupanic
01:32:35 Chairman Peterson

01:32:45 Rep. Harris
01:34:09 Ms Zupanic
01:35:10 Rep. Harris
01:35:16 Chairman Peterson
01:35:17 Rep. Harris
01:35:40 Ms. Zupanic
01:35:54 Chairman Peterson
01:36:00 Rep. Loney
01:36:06 Ms Love
01:36:14 Rep. Loney
01:36:24 Ms. Love
01:36:56 Chairman Peterson
01:37:00 Vice Chairman Kerns
01:37:23 Ms Zupanic
01:38:08 Vice Chairman Kerns
01:38:13 Chairman Peterson
01:38:17 Ms Zupanic
01:38:23 Chairman Peterson
01:38:28 Ms Zupanic
01:38:54 Chairman Peterson
01:39:10 Ms Zupanic
01:39:37 Chairman Peterson
01:39:42 Ms Zupanic
01:39:45 Chairman Peterson
01:39:56 Ms Zupanic
01:41:29 Chairman Peterson
01:41:34 Ms Zupanic

Closing by Sponsor:

01:41:50 Rep. Regier
EXHIBIT(juh08a04)
01:43:53 Hearing closed

01:44:10 Meeting recessed.
02:00:28 Meeting reconvened.

EXECUTIVE ACTION ON HB 96

02:03:00 **Motion:** Rep. Menahan moved that **HB 96 DO PASS.**

Discussion:

02:03:18 Rep. Menahan
02:05:28 Chairman Peterson
02:05:34 Rep. Regier
02:05:59 Rep. Menahan
02:06:20 Chairman Peterson
02:06:22 Rep. Hansen
02:07:18 Rep. Menahan

HOUSE COMMITTEE ON JUDICIARY

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02:08:37 Chairman Peterson
02:10:00 Rep. Sands
02:10:15 Rep. Menahan
02:10:21 Rep. Sands
02:10:27 Rep. Menahan
02:11:03 Chairman Peterson
02:11:30 Rep. Hansen
02:12:02 Rep. Menahan
02:12:07 Rep. Hansen
02:12:10 Rep. Menahan
02:12:43 Rep. Hansen
02:12:49 Rep. Menahan
02:12:51 Rep. Hansen
02:12:56 Rep. Menahan
02:13:15 Rep. Hansen
02:13:18 Chairman Peterson
02:14:02 Rep. Sands called the question.

02:14:06 **Vote:** Motion carried 16-4 by roll call vote with Rep. Howard, Rep. Kerns, Rep. Skattum and Rep. Wagner voting no.

02:17:09 Chairman Peterson
02:17:11 Rep. Sands
02:17:42 Rep. Hansen
02:17:50 Chairman Peterson
02:19:01 Rep. Sands
02:19:20 Rep. Hansen

02:19:22 **Motion:** Rep. Sands moved to **RECONSIDER THE MOTION** on **HB 96**.

02:18:25 Rep. Menahan voiced no objection

Discussion:

02:18:01 Rep. More
02:18:55 Chairman Peterson
02:19:06 Rep. O'Hara
02:19:28 Chairman Peterson

02:19:30 **Vote:** Motion failed 9-11 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez, Rep. Sands and Rep. Wagner voting aye.

02:22:53 Rep. Sands
02:23:04 Chairman Peterson

EXECUTIVE ACTION ON HB 97

02:23:14 _____ **Motion:** Rep. Menahan moved that **HB 97 DO PASS.**

Discussion:

02:23:43 Rep. Hansen
02:23:47 Chairman Peterson

02:23:43 _____ **Motion:** Rep. Hansen moved that **HB 97 BE AMENDED.**
EXHIBIT(juh08a05)

Discussion:

02:24 12 Chairman Peterson
02:24:16 Rep. Hansen
02:26:14 Rep. Sands
02:26:38 Mr. Niss
02:26:42 Rep. Sands
02:26:53 Chairman Peterson
02:26:56 Rep. Menahan

02:27:15 _____ **Vote:** Motion carried 11-9 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. Loney, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez and Rep. Sands voting no.

02:30:22 _____ **Motion:** Rep. Menahan moved that **HB 97 DO PASS AS AMENDED.**

02:30:47 Chairman Peterson
02:30:50 Rep. Warburton
02:30:55 Rep. Menahan
02:33:00 Rep. Warburton
02:33:10 Rep. Menahan
02:33:53 Chairman Peterson
02:34:09 Rep. Menahan
02:35:13 Chairman Peterson
02:35:19 Rep. Menahan

02:35:30 _____ **Vote:** Motion carried unanimously by roll call vote.

02:36:55 Rep. Sands
02:37:01 Chairman Peterson
02:37:09 Rep. Sands
02:37:12 Rep. Menahan

EXECUTIVE ACTION ON HB 65

02:37:21 **Motion:** Rep. Menahan moved that **HB 65 DO PASS**.

Discussion:

02:37:34 Rep. Howard
02:37:52 Rep. Menahan
02:38:38 Rep. Howard
02:38:45 Rep. Harris
02:39:04 Chairman Peterson
02:39:21 Rep. Menahan
02:39:48 Chairman Peterson

02:39:55 **Vote:** Motion carried unanimously by voice vote.

02:40:17 Chairman Peterson
02:40:45 Mr. Niss
02:41:47 Chairman Peterson
02:41:50 Rep Sands
02:42:02 Chairman Peterson
02:42:16 Rep. Howard
02:42:23 Chairman Peterson
02:42:36 Rep. Sands

EXECUTIVE ACTION ON HB 114

02:43:41 **Motion:** Rep. O'Hara moved that **HB 114 DO PASS**.

02:43:44 Rep. Warburton
02:43:53 Chairman Peterson
02:43:59 Rep. O'Hara withdrew his motion.

ADJOURNMENT

02:43:59 Adjournment: 10:54 am

Karen Armstrong, Secretary

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ken Peterson, on January 13, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Robyn Driscoll (D)
Rep. Ellie Boldman Hill (D)
Rep. Mike Menahan (D)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 117, 1/7/2011; HB 141, 1/7/2011

00:00:12 Chairman Peterson
00:03:39 Vice Chairman Kerns assumed chairmanship.

HEARING ON HB 141

Opening Statement by Sponsor:

00:03:47 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 141, Revise makeup, operation, procedures of the Board of Pardons and Parole.
00:03:52 Rep. Driscoll, Rep. Menahan and Rep. Hill arrived.

Proponents' Testimony:

00:09:40 Craig Thomas, Executive Director, Montana State Board of Pardons and Parole
00:14:10 Vice Chairman Kerns

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:14:32 Vice Chairman Kerns
00:14:36 Rep. Sands
00:15:00 Vice Chairman Kerns
00:15:05 Rep. Sands
00:15:11 Vice Chairman Kerns
00:15:14 Rep. Menahan
00:15:51 Mr. Thomas
00:16:39 Vice Chairman Kerns

Closing by Sponsor:

00:16:48 Rep. Peterson
00:16:55 Rep. Peterson exited.

HEARING ON HB 117

Opening Statement by Sponsor:

00:17:53 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 117, Require collection of DNA samples from offenders under interstate compact.
00:20:09 Vice Chairman Kerns

Proponents' Testimony:

00:20:15 Ali Bovingdon, Attorney General's Office
00:27:23 Vice Chairman Kerns

00:27:35 Pam Bunke, Administrator, Adult Community Corrections Division
00:29:04 Vice Chairman Kerns

Opponents' Testimony: None

Informational Testimony:

00:29:28 Cathy McGowan, Montana Sheriffs and Peace Officers Association
00:31:19 Vice Chairman Kerns
00:31:22 Megan Ashton, DNA Analyst, Montana State Crime Lab, Manager of Montana's
DNA Database
00:32:21 Vice Chairman Kerns

Questions from Committee Members and Responses:

00:32:28 Vice Chairman Kerns
00:32:30 Rep. Wagner
00:33:19 Ms Ashton
00:33:54 Rep. Wanger
00:33:59 Vice Chairman Kerns
00:34:02 Rep. Regier
00:34:19 Ms Ashton
00:36:36 Rep. Regier
00:36:42 Ms Bovingdon
00:37:42 Vice Chairman Kerns
00:37:51 Rep. Regier
00:37:59 Ms Bovingdon
00:38:09 Larry Epstein, Montana County Attorneys' Association
00:39:01 Vice Chairman Kerns
00:39:03 Rep. Harris
00:39:37 Ms Bunke
00:39:54 Rep. Harris
00:40:02 Ms Bunke
00:40:05 Vice Chairman Kerns
00:40:07 Rep. Loney
00:40:20 Ms Bovingdon
00:41:39 Rep. Loney
00:41:47 Vice Chairman Kerns
00:41:49 Rep. Menahan
00:42:53 Ms Bunke
00:44:17 Vice Chairman Kerns
00:44:24 Rep. Warburton
00:44:50 Ms Bovingdon
00:44:57 Rep. Warburton
00:45:04 Ms Bunke
00:45:30 Vice Chairman Kerns
00:45:54 Ms Ashton
00:46:37 Vice Chairman Kerns
00:46:42 Ms Ashton
00:46:49 Vice Chairman Kerns

00:46:52 Ms Ashton
00:47:35 Vice Chairman Kerns
00:47:49 Ms Ashton
00:48:09 Vice Chairman Kerns
00:48:35 Ms Bovingdon
00:49:14 Vice Chairman Kerns
00:49:16 Ms Ashton
00:49:41 Vice Chairman Kerns
00:49:47 Ms Ashton
00:49:57 Vice Chairman Kerns
00:49:58 Ms Ashton
00:50:11 Rep. Sands exited.
00:50:41 Rep. O'Hara returned.
00:50:48 Vice Chairman Kerns
00:50:50 Rep. Menahan
00:51:28 Ms Bovingdon
00:52:36 Vice Chairman Kerns
00:52:42 Rep. Harris
00:52:58 Ms Bovingdon
00:53:05 Vice Chairman Kerns
00:53:07 Rep. Warburton
00:53:53 Ms Ashton
00:56:00 Rep. Warburton
00:56:05 Vice Chairman Kerns

Closing by Sponsor:

00:56:16 Rep. Hunter
00:57:17 Hearing closed
00:57:25 Vice Chairman Kerns

ADJOURNMENT

Adjournment: 00:58:00 8:45 am

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT(juh10aad.pdf)

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 7, 2011 at 10:00 A.M., in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)

Members Excused: Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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 126, 3/1/2011; HB 374, 3/1/2011; HB 412, 3/1/2011

Executive Action: SB 10-Tabled, HB 126-Be Concurred In As Amended, HB 412-Be Concurred In, Motion Withdrawn (pending further provided information)

HEARING ON HB 126

Opening Statement by Sponsor:

00:00:42 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 126, Amend youth court act to clarify sentencing authority.

EXHIBIT(jus51a01)

Proponents' Testimony:

00:07:40 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ), State of Montana

EXHIBIT(jus51a02)

00:12:44 Mark Murphy, Montana County Attorney Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:16:01 Sen. Shockley

00:16:34 Ms. Bovingdon

Closing by Sponsor:

00:16:45 Rep. Hansen

HEARING ON HB 374

Opening Statement by Sponsor:

00:17:18 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 374, Implement the Uniform Power of Attorney model law.

Proponents' Testimony:

00:23:43 Rose Hughes, Executive Director, Montana Health Care Association (MHCA)

EXHIBIT(jus51a03)

00:27:55 Lori Henderson, Administrator, Northern Montana Care Center, Havre, Montana

00:35:18 Claudia Clifford, Advocacy Director, America Association for Retired Persons/Montana (AARP/MT), also for Clyde Dailey, Montana Credit Unions (MCU)

EXHIBIT(jus51a04)

00:41:40 Kelley Hubbard, Assistant Attorney General, Consumer Protection Law, DOJ
00:45:13 Dick Brown, Executive Director, Montana Hospital Association (MHA)
00:45:54 Steve Turkiewicz, President/CEO, Montana Bankers Association (MBA)
00:46:35 Beth Brenneman, Attorney, Disability Rights Montana (DR/MT)
00:47:37 Aimee Grmoljez for Steve Yeakel, Montana Independent Bankers (MIB)
00:48:07 Lynne Eagan, Deputy Secretary Commissioner, Insurance and Securities,
Auditors Office, State of Montana
00:49:21 Karen Powell, Montana Uniform Law Commissioners

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:51:42 Sen. Augare
00:53:19 Ms. Hubbard
00:54:06 Ms. Powell

Closing by Sponsor:

00:55:57 Rep. Hansen

HEARING ON HB 412

Opening Statement by Sponsor:

00:56:50 Rep. Bill Harris (R), HD 30, opened the hearing on HB 412, Disclosure of financial support of civil suits against industrial operations.

EXHIBIT(jus51a05)

Proponents' Testimony:

None

Opponents' Testimony:

00:59:40 Derf Johnson, Montana Environmental Information Services (MEIC)
01:05:23 Clayton Elliott, Northern Plains Resource Council (NPRC)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:09:06 Sen. Larsen
01:09:49 Rep. Harris
01:14:24 Sen. Shockley
01:15:10 Mr. Johnson
01:16:49 Sen. Blewett
01:17:31 Mr. Johnson
01:18:15 Sen. Blewett
01:19:13 Rep. Harris
01:24:50 Sen. Shockley
01:25:15 Rep. Harris
01:28:03 Sen. Shockley
01:28:10 Mr. Johnson
01:28:58 Ann Hedges, MEIC
01:30:52 Sen. Essmann
01:31:37 Mr. Johnson
01:33:35 Ms. Hedges
01:34:00 Sen. Moss
01:34:44 Ms. Hedges
01:36:54 Sen. Essmann
01:37:06 Ms. Hedges

Closing by Sponsor:

01:37:24 Rep. Harris

EXECUTIVE ACTION ON SB 10

01:40:30 Chairman Murphy

01:40:49 **Motion/Vote:** Sen. Hinkle moved that **SB 10 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 126

01:42:14 **Motion:** Sen. Shockley moved that **HB 126 BE CONCURRED IN**.

01:42:40 **Motion/Vote:** Sen. Shockley moved that **HB 126 BE AMENDED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

EXHIBIT(jus51a06)

01:44:09 **Motion/Vote:** Sen. Shockley moved that **HB 126 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy. Sen. Larsen will carry the bill.

EXECUTIVE ACTION ON HB 412

01:45:05 **Motion:** Sen. Shockley moved that **HB 412 BE CONCURRED IN.**

Discussion:

01:45:28 Sen. Hinkle
01:47:01 Sen. Blewett
01:48:26 Sen. Murphy
01:48:58 Sen. Jent
01:53:03 Sen. Shockley
01:55:08 Sen. Essmann
01:56:08 Sen. Shockley **WITHDREW MOTION HB 412 BE CONCURRED IN.**
01:56:20 Chairman Murphy

EXHIBIT(jus51a07)

Exhibit from Lori Henderson, Northern Montana Care Center, Havre, Montana in support of HB 374

ADJOURNMENT

Adjournment: 11:56 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus51aad.pdf](#))

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on January 18, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Ellie Boldman Hill (D)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 245, 1/13/2011; HB 250, 1/13/2011

Executive Action: HB 18, HB 117, HB 235

00:01:48 Chairman Peterson

HEARING ON HB 245

Opening Statement by Sponsor:

00:02:40 Rep. Derek Skees (R), HD 4, opened the hearing on HB 245, Provide for reduction in size of supreme court.

Proponents' Testimony:

00:10:06 Rick Breckenridge, State Committeeman for Lake County Republican Party

Opponents' Testimony:

00:11:31 Joe Sullivan, President, State Bar of Montana
00:15:16 J. C. Weingartner, Montana Education Association-Montana Federation of Teachers
00:16:39 Al Smith, Montana Trial Lawyers' Association
00:18:10 Leo Berry, Helena Attorney, Browning, Kaleczyc, Berry and Hoven, Montana Judges' Association
00:20:17 Cindy Younkin, Attorney from Bozeman
00:21:40 Brant Light, Chief Prosecutor, Attorney General's Office (AG)
00:22:40 Larry Epstein, Montana County Attorneys' Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:23:22 Rep. Wagner
00:23:54 Mr. Sullivan
00:24:10 Rep. Wagner
00:25:25 Mr. Sullivan
00:26:33 Rep. Kerns
00:27:35 Mr. Sullivan
00:27:50 Rep. Kerns
00:28:05 Rep. Skees
00:28:34 Rep. Harris
00:29:52 Mr. Sullivan
00:30:48 Rep. Harris
00:31:14 Mr. Sullivan
00:31:58 Rep. Harris
00:32:11 Mr. Sullivan
00:32:25 Rep. Regier

00:32:50 Mr. Sullivan
00:33:20 Rep. Bangerter
00:33:52 Mr. Sullivan
00:34:08 Rep. Bangerter
00:34:29 Mr. Sullivan
00:35:07 Rep. More
00:36:16 Mr. Sullivan
00:37:12 Rep. More
00:37:59 Mr. Sullivan
00:38:30 Rep. Driscoll exited.
00:38:39 Chairman Peterson
00:39:08 Mr. Sullivan
00:39:14 Chairman Peterson
00:39:34 Rep. Skees
00:39:58 Chairman Peterson
00:40:05 Rep. Driscoll returned.
00:41:16 Rep Skees
00:41:20 Chairman Peterson
00:41:36 Rep. Skees
00:42:28 Chairman Peterson
00:42:40 Rep. Skees

Closing by Sponsor:

00:42:53 Rep. Skees
00:46:16 Rep. Driscoll exited.
00:46:18 Rep. Howard exited.

HEARING ON HB 250

Opening Statement by Sponsor:

00:46:26 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 250, Repeal 46-13-109 to conform with Montana Supreme Court opinion.

EXHIBIT(juh13a01)

Proponents' Testimony:

00:51:38 Brent Light, Chief Prosecutor, Attorney General's Office (AG)
00:52:54 Rep. Howard returned
00:53:32 Larry Epstein, Montana County Attorneys' Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:38 Rep. Regier
00:55:59 Rep. Menahan
00:58:27 Rep. More
01:58:58 Rep. Menahan
01:01:49 Rep. Wagner
01:02:39 Rep. Menahan
01:03:03 Rep. Wagner
01:03:42 Rep. Menahan
01:04:14 Rep. Wagner
01:04:18 Rep. Menahan
01:04:34 Rep. Wagner
01:04:52 Rep. Epstein
01:05:31 Rep. Wagner
01:05:39 Mr. Epstein
01:05:46 Rep. Howard
01:06:36 Rep. Menahan
01:07:22 Rep. Howard
01:07:27 Mr. Light
01:08:27 Rep. More
01:09:31 Mr. Light
01:10:08 Rep. Read
01:10:44 Mr. Light
01:11:09 Chairman Peterson
01:11:21 Mr. Light
01:11:24 Chairman Peterson
01:11:57 Mr. Light
01:12:00 Chairman Peterson
01:12:11 Mr. Light

Closing by Sponsor:

01:12:28 Rep. Menahan
01:13:16 Meeting recessed until 9:30
01:29:45 Meeting resumed with Rep. Driscoll, Rep. Hill and Rep. MacDonald not present.

EXECUTIVE ACTION ON HB 18

01:30:08 **Motion:** Rep. Kerns moved that **HB 18 DO PASS.**
01:30:18 Rep. More
01:30:53 Chairman Peterson
01:30:57 Rep. Menahan
01:32:13 Chairman Peterson
01:32:18 Rep. Wagner
01:32:24 Rep. MacDonald entered.

01:33:08 Rep. Menahan
01:33:42 Rep. Sands
01:34:37 Rep. Menahan
01:35:35 Rep. Sands
01:35:52 Rep. Harris
01:36:26 Rep. Hansen
01:38:07 Rep. Wagner
01:38:45 Rep. Menahan
01:41:05 Rep. Kerns
01:41:36 Rep. Warburton
01:42:46 Rep. Hansen
01:44:39 Rep. More
01:45:45 Rep. Wagner
01:46:42 Rep. Hansen
01:47:03 Rep. Menahan
01:47:15 Rep. Sands exited.
01:47:17 Rep. MacDonald exited.
01:47:42 Rep. Hansen
01:48:44 Rep. Bangerter
01:49:46 Rep. Read
01:52:27 Rep. Howard
01:53:42 Rep. Menahan
01:54:58 Rep. Wagner
01:55:03 Rep. Sands returned.
01:56:37 Rep. Hansen
01:57:50 Rep. Wagner
01:57:55 Rep. MacDonald returned.
01:58:08 Rep. Hansen
01:58:42 Rep. Wagner
01:54:58 Rep. Hansen
01:56:37 Rep. Wagner
01:57:50 Rep. Hansen
01:58:08 Rep. Wagner
01:58:42 Rep. Harris
02:01:25 Chairman Peterson

02:03:16 **Vote:** Motion carried 12-6 by roll call vote with Rep. Harris, Rep. Kerns, Rep. More, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Driscoll and Rep. Hill were not present to vote.

EXECUTIVE ACTION ON HB 117

02:03:36 **Motion:** Rep. Kerns moved that **HB 117 DO PASS.**

02:03:45 Chairman Peterson

02:04:09 **Vote:** Motion carried 18-0 by voice vote. Rep. Driscoll and Rep. Hill were not present to vote.

EXECUTIVE ACTION ON HB 235

02:04:46 **Motion:** Rep. Kerns moved that **HB 235 DO PASS.**

02:05:29 Rep. Wagner
02:05:45 Rep. Driscoll returned.
02:06:40 Chairman Peterson

02:07:04 **Vote:** Motion carried 19-0 by roll call vote. Rep. Hill was not present to vote.

02:08:13 Rep. Hansen
02:08:21 Chairman Peterson

ADJOURNMENT

02:08:37 Adjournment: 10:10

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT(juh13aad.pdf)

MINUTES

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 2, 2011 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)

Members Excused: Sen. Jeff Essmann (R)
Sen. Larry Jent (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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 65, 2/22/2011; HB 96, 2/22/2011; HB 97, 2/22/2011; HB 250, 2/22/2011

HEARING ON HB 65

Opening Statement by Sponsor:

00:01:21 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 65, Revise payment for court interpretation services.

Proponents' Testimony:

00:03:22 Lois Menzies, Court Administrator, Montana Supreme Court

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:04:47 Sen. Blewett
00:05:28 Rep. Menahan
00:06:27 Ms. Menzies

Closing by Sponsor:

00:07:15 Rep. Menahan

HEARING ON HB 96

Opening Statement by Sponsor:

00:07:52 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 96, Allow recovery of public defender costs in certain cases.

Proponents' Testimony:

00:12:12 Randi Hood, Chief Public Defender, State of Montana

Opponents' Testimony:

None

HEARING ON HB 250

Opening Statement by Sponsor:

00:22:34 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 250, Repeal 46-13-109 to conform with Montana Supreme Court opinion.

EXHIBIT(jus47a01)

Proponents' Testimony:

00:26:22 Brent Light, Chief Prosecutor, Assistant Attorney General, Department of Justice (DOJ), State of Montana

00:29:06 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:31:03 Sen. Shockley

00:32:19 Rep. Menahan

Closing by Sponsor:

00:34:29 Rep. Menahan

ADJOURNMENT

Adjournment: 9:41 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT(jus47aad.pdf)

HEARING ON HB 299

Opening Statement by Sponsor:

00:05:33 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 299, Provide that third DUI is a felony.

Proponents' Testimony:

00:08:41 Jed Fitch, County Attorney, Beaverhead County
00:14:41 Larry Epstein, Montana County Attorneys' Association (MCAA), Montana Sheriffs and Peace Officers Association, Montana Association of Chiefs of Police
00:15:47 Ali Bovingdon, Attorney General's Office (AG)

Opponents' Testimony: None

Informational Testimony:

00:18:14 Randi Hood, Chief Public Defender
00:18:39 Lena Havron, Budget Analyst, Department of Corrections

Questions from Committee Members and Responses:

00:19:04 Rep. Howard
00:19:50 Ms Bovingdon, AG
00:19:55 Rep. Wagner
00:20:24 Ms Bovingdon
00:20:29 Rep. Wagner
00:21:06 Ms Bovingdon
00:21:13 Rep. Hill
00:22:08 Mr. Fitch
00:24:40 Rep. Harris arrived.
00:25:32 Rep. Menahan
00:26:42 Rep. Hansen

Closing by Sponsor:

00:27:18 Rep. Hansen

00:27:43 Chairman Peterson
00:27:49 Rep. Sands
00:29:17 Chairman Peterson

ADJOURNMENT

00:29:42 Adjournment: 8:32 am

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT(juh21aad.pdf)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 3, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chair (R)
Rep. Krayton Kerns, Vice Chair (R)
Rep. Diane Sands, Vice Chair (D)
Rep. Liz Bangerter (R)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Robyn Driscoll (D)
Rep. Cleve J. Loney (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 355, 2/1/2011; HB 384, 2/2/2011 HB 369, 1/28/2011;

00:00:00 Chairman Peterson
00:01:44 Representatives Driscoll and Loney entered.

HEARING ON HB 355

Opening Statement by Sponsor:

00:03:13 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 355, Award attorney fees and costs for person found not guilty for self defense.

Proponents' Testimony:

00:05:49 Gary Marbut, Montana Shooting Sports Association (MSSA), Western Fish and Game Association
00:08:19 Doug Nulle, self
00:10:05 Brian Judy, National Rifle Association (NRA)
00:12:07 Tim Ravndal, Lewis and Clark Conservative Tea Party
00:14:56 Jesse Cathey, self
00:16:41 Shane Olsen, self
00:17:43 Steve Hauk, self

Opponents' Testimony:

00:19:25 Mark Murphy, Montana County Attorneys Association (MCAA)

EXHIBIT(juh27a01)

00:27:16 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Informational Testimony: None

Questions from Committee Members and Responses:

00:27:41 Rep. Bangert
00:27:46 Rep. O'Neil
00:30:48 Rep. Wagner
00:31:00 Mr. Murphy, MCAA
00:36:51 Rep. Wagner
00:36:54 Mr. Nulle
00:40:13 Rep. Menahan
00:40:38 Chairman Peterson
00:40:47 Rep. Regier
00:41:03 Rep. O'Neil
00:43:33 Rep. Howard
00:43:47 Mr. Murphy
00:48:35 Rep. Hill
00:48:43 Rep. MacDonald
00:48:48 Rep. Menahan
00:50:19 Rep. O'Neil
00:52:28 Rep. Sands
00:53:01 Ms. Young
00:54:38 Rep. Hill
00:55:17 Mr. Murphy
00:58:56 Rep. Hill
00:59:22 Rep. O'Neil
01:01:16 Rep. Harris

01:01:27 Mr. Murphy
01:03:16 Chairman Peterson
01:04:19 Mr. Murphy
01:09:37 Rep. Skattum
01:10:14 Rep. O'Neil

Closing by Sponsor:

01:11:46 Rep. O'Neil

HEARING ON HB 384

Opening Statement by Sponsor:

01:15:14 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 384, Revise carrying concealed weapon in prohibited places.

Proponents' Testimony:

01:17:20 Gary Marbut, Montana Shooting Sports Association (MSSA), Western Fish and Game Association
01:22:25 Brian Judy, NRA
01:25:29 Tim Ravndal, Lewis and Clark Conservative Tea Party
01:28:41 Doug Nulle, self
01:29:36 Jesse Cathey, self
01:37:08 Shane Olsen, self
01:41:10 Victoria Mitchell, Second Amendment Task Force of Ravalli County

Opponents' Testimony:

01:42:29 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police
01:47:00 Mike Batista, Department of Justice (DOJ)
01:49:19 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
01:50:30 John MacDonald, City of Missoula, Police Chief Mark Muir
01:52:59 Clyde Dailey, Montana Credit Union Network
01:54:31 Kevin McRae, Montana University System, Montana Board of Regents
01:57:11 Nina Baucus, self

Informational Testimony: None

Questions from Committee Members and Responses:

02:00:30 Rep. Warburton
02:00:50 Mr. Dailey
02:01:15 Rep. Warburton
02:01:23 Mr. Marbut, MSSA
02:01:59 Rep. Wagner
02:03:01 Mr. McRae
02:04:18 Rep. Wagner
02:04:29 Mr. Judy, NRA
02:07:41 Rep. Warburton
02:08:45 Mr. McRae
02:10:25 Rep. Harris
02:11:19 Mr. Judy

02:14:01 Rep. Howard
02:14:31 Mr. Murphy
02:16:18 Rep. MacDonald
02:17:07 Mr. Murphy
02:20:35 Rep. Wagner
02:21:30 Mr. Murphy
02:24:27 Rep. Howard
02:24:35 Rep. Kerns

Closing by Sponsor:

02:25:27 Rep. Kerns

02:26:52 Meeting recessed.
02:42:34 Meeting reconvened.

HEARING ON HB 369

Opening Statement by Sponsor:

02:42:50 Rep. Wendy Warburton (R), HD 34, opened the hearing on HB 369, Revise fish and game enforcement laws.

EXHIBIT(juh27a02)

Proponents' Testimony:

02:52:11 Gary Marbut, Montana Shooting Sports Association (MSSA), Western Fish and Game Association
02:58:13 Jesse Cathey, self
02:59:15 Tim Ravndal, Lewis and Clark Conservative Tea Party
03:01:20 Doug Nulle, self
03:01:56 Jack Morris, self

EXHIBIT(juh27a03)

Opponents' Testimony:

03:15:45 George Golie, Montana Game Wardens Association
EXHIBIT(juh27a04)
03:23:28 Vito Quatraro, Headwaters Sportsmen's Association
EXHIBIT(juh27a05)
03:29:42 Jim Kropp, Fish, Wildlife and Parks, Law Enforcement Chief
EXHIBIT(juh27a06)
03:38:23 Randy Newberg, On Your Own Adventures
03:43:21 Nina Baucus, self
03:44:08 Rod Bullis, self
03:45:12 Brant Light, Attorney General's Office (AGO)
03:46:25 Janet Ellis, Montana Audubon
03:46:45 Lamont Garcia, self

Informational Testimony:

03:47:03 Mark Murphy, Montana County Attorneys Association (MCAA)

03:49:13 Chairman Peterson
EXHIBIT(juh27a07)

Questions from Committee Members and Responses:

03:49:40 Rep. Hansen
03:49:50 Mr. Light
03:51:17 Rep. Harris
03:53:09 Mr. Light
03:53:55 Rep. Wagner
03:55:08 Mr. Light
03:56:08 Rep. Wagner
03:56:48 Mr. Newberg
03:57:52 Chairman Peterson
03:58:06 Vice Chair Kerns assumed the chair.
03:58:11 Rep. Howard
03:58:38 Mr. Light

Closing by Sponsor:

03:58:56 Rep. Warburton

ADJOURNMENT

04:01:03 Adjournment:

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT(juh27aad.pdf)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 7, 2011 at 9:00 A.M., in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Liz Bangerter (R)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands, Vice Chairman (D)

Members Absent: Rep. Robyn Driscoll (D)
Rep. Ellie Boldman Hill (D)
Rep. Michael (Mike) More (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 203, 1/27/2011; HB 371, 2/1/2011; HB 374, 2/1/2011

HEARING ON HB 203

Opening Statement by Sponsor:

00:01:57 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 203, Allow evidence of other crimes in prosecution of sexual offenses.

00:02:29 Rep. Hill arrived.

00:03:58 Rep. Driscoll arrived.

Proponents' Testimony:

00:08:23 Leo Gallagher, Lewis and Clark County Attorney

00:13:44 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

00:15:21 Mark Murphy, Montana County Attorneys Association and self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:22:14 Rep. O'Hara

00:22:43 Mr. Murphy

00:23:44 Rep. MacDonald exited.

00:24:19 Rep. Hill

00:24:33 Rep. MacDonald returned.

00:24:57 Mr. Murphy

00:25:47 Vice Chairman Kerns assumed chairmanship.

00:26:00 Chairman Peterson exited.

Closing by Sponsor:

00:25:40 Rep. Menahan

HEARING ON HB 371

Opening Statement by Sponsor:

00:27:31 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 371, Revise statutes on practice of law.

EXHIBIT(juh30a01)

EXHIBIT(juh30a02)

00:27:52 Rep. Menahan and Rep. Howard exited.

00:36:31 Rep. Menahan returned.

Proponents' Testimony: None

Opponents' Testimony:

00:36:51 Bruce Spencer, State Bar of Montana

00:37:08 Rep. More arrived.

00:40:25 Rep. O'Hara exited.

Informational Testimony: None

Questions from Committee Members and Responses:

00:47:55 Rep. Loney
00:48:21 Mr. Spencer
00:48:30 Rep. Loney
00:48:36 Mr. Spencer
00:48:52 Vice Chairman Kerns
00:49:00 Mr. Spencer
00:49:16 Vice Chairman Kerns
00:49:21 Mr. Spencer
00:49:46 Rep. Wagner exited.
00:50:05 Vice Chairman Kerns
00:50:15 Mr. Spencer
00:50:48 Rep. Read exited.
00:51:04 Vice Chairman Kerns
00:51:14 Mr. Spencer

Closing by Sponsor:

00:51:40 Rep. O'Neil

01:00:16 Rep. O'Hara returned.
01:00:34 Rep. Read returned.
01:00:41 Rep. Wagner returned.

HEARING ON HB 374

Opening Statement by Sponsor:

01:02:13 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 374, Implement the Uniform Power of Attorney model law.

Proponents' Testimony:

01:07:49 Rose Hughes, Executive Director, Montana Health Care Association
EXHIBIT(juh30a03)
01:08:10 Rep. Hansen exited.
01:09:51 Rep. Hansen returned.
01:12:05 Rep. Howard returned.
01:12:37 Lori Henderson, Administrator, Northern Montana Care Center, Havre
01:18:53 Brian Huso, Eagle Cliff Manor, Billings
01:21:12 Rep. Howard exited.
01:21:43 Chairman Peterson returned.
01:27:00 Claudia Clifford, Advocacy Director, American Association of Retired Persons (AARP)

EXHIBIT(juh30a04)

01:33:02 Lynn Egan, Deputy Securities Commissioner, Office of Securities and Insurance, Montana State Auditor
01:33:51 Rep. Howard returned.
01:34:08 Rep. MacDonald exited.
01:34:43 Rep. O'Hara exited.
01:35:04 Dick Brown, President, MHA, an Association of Montana Health Care Providers
01:36:24 Steve Turkiewicz, President, CEO of the Montana Bankers' Association

01:37:19 Rep. MacDonald returned.
01:38:45 Bernie Jacobs, Chief Counsel, Montana Department of Health and Human Services
01:39:54 Steve Yeakel, Montana Independent Bankers
01:40:39 Clyde Dailey, Montana Credit Unions
01:41:12 Beth Brenneman, Attorney, Disability Rights Montana
01:41:50 Karen Powell, Montana Uniform Law Commission
01:42:43 Rep. Driscoll exited.
01:44:21 Kelly Hubbard, consumer protection attorney and Regulator of Charities for the Attorney General's Office (AG)
01:47:30 Mark Mackin, Probate Attorney, self
01:47:52 Rep. O'Hara returned.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

01:50:36 Rep. Menahan exited.

Closing by Sponsor:

01:50:52 Rep. Hansen

01:51:27 Chairman Peterson

01:52:21 Mr. Niss

EXHIBIT(juh30a05)

01:53:00 Rep. Warburton

01:53:04 Chairman Peterson

ADJOURNMENT

01:53:29 Adjournment: 10:53 am

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT(juh30aad.pdf)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 8, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 379, 2/1/2011; HB 382, 2/1/2011

Executive Action: HB 271, HB 355, HB 360, HB 365, HB 374

HEARING ON HB 379

Opening Statement by Sponsor:

00:09:12 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 379, Generally revise search warrant requirements.

Proponents' Testimony:

00:14:28 Brent Light, Chief Prosecutor, Attorney General's Office (AG)
00:15:21 Leo Gallagher, Lewis and Clark County Attorney
00:16:29 Larry Epstein, Montana County Attorneys' Association (MCAA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:18:24 Rep. Wagner
00:19:56 Rep. Menahan
00:20:17 Rep. More
00:21:20 Mr. Gallagher
00:21:24 Mr. More
00:22:05 Mr. Gallagher
00:23:18 Rep. Harris
00:23:45 Mr. Gallagher
00:24:00 Rep. Howard
00:24:47 Mr. Gallagher
00:25:54 Rep. Hansen
00:26:13 Rep. Wagner
00:26:48 Mr. Gallagher
00:27:04 Rep. Wagner
00:27:20 Mr. Gallagher

Closing by Sponsor:

00:28:17 Rep. Menahan

00:30:28 Rep. Menahan exited.

HEARING ON HB 382

Opening Statement by Sponsor:

00:30:29 Rep. Derek Skees (R), HD 4, opened the hearing on HB 382, Prohibit infringement of constitutional right to nullify certain fed legislation.

EXHIBIT(juh31a01)

EXHIBIT(juh31a02)

00:31:43 Rep. Menahan returned.

Proponents' Testimony:

00:51:40 Tim Ravndal, Tenth Amendment Center of Montana, Lewis and Clark Conservative Tea Party Group

00:53:26 Rep. O'Hara exited.

EXHIBIT(juh31a03)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:57:39 Rep. More
00:58:31 Rep. Skees
00:58:44 Rep. More
00:59:19 Rep. Skees
00:59:33 Rep. Hansen
00:59:43 Rep. O'Hara returned.
01:00:46 Rep. Skees
01:01:08 Rep. Pease-Lopez exited.
01:02:30 Rep. Hill
01:02:36 Rep. Pease-Lopez returned.
01:03:34 Rep. SKees
01:04:00 Rep. Hill
01:05:06 Rep. Skees
01:05:57 Rep. Harris
01:06:11 Rep. Driscoll exited.
01:07:44 Rep. Skees
01:07:59 Rep. MacDonald
01:08:20 Rep. Menahan exited.
01:08:43 Rep. Skees
01:09:17 Rep. MacDonald
01:09:53 Rep. Skees
01:10:07 Rep. Howard returned.
01:10:20 Rep. Driscoll returned
01:10:26 Rep. Sands
01:10:47 Rep. Skees
01:11:09 Rep. Sands
01:11:23 Rep. Menahan returned.
01:11:48 Rep. Skees
01:12:15 Rep. Sands

01:12:20 Rep. Skees
01:12:23 Rep. Sands
01:13:01 Rep. Skees
01:13:13 Rep. Sands
01:13:30 Rep. Read exited.
01:13:52 Rep. Skees
01:14:01 Rep. Sands
01:14:39 Rep. Skees
01:14:45 Rep. Sands
01:15:09 Rep. Skees
01:15:15 Rep. Sands
01:15:23 Rep. Hill
01:15:59 Rep. Skees
01:16:26 Rep. Harris
01:17:10 Rep. Skees
01:17:19 Rep. Menahan
01:18:00 Rep. Skees
01:18:47 Rep. Menahan
01:19:09 Rep. Skees
01:20:14 Rep. Menahan
01:21:01 Rep. Skees

Closing by Sponsor:

01:21:55 Rep Skees

01:25:09 Rep. Sands
01:25:27 Chairman Peterson
01:26:22 Meeting recessed until 9:45
01:50:33 Meeting reconvened with Rep. Driscoll, Rep. Read, and Rep. Warburton absent.

EXECUTIVE ACTION ON HB 355

01:50:46 **Motion:** Rep. Kerns moved that **HB 355 DO PASS.**

01:51:12 **Motion:** Rep. Regier moved that **HB 355 BE AMENDED.**
EXHIBIT(juh31a04)

Discussion:

01:51:30 Rep. Regier

01:52:20 **Vote:** Motion carried unanimously by voice vote.

01:52:22 **Motion:** Rep. Kerns moved that **HB 355 DO PASS AS AMENDED.**

Discussion:

01:52:37 Rep. Driscoll entered.
01:53:08 Rep. Howard
01:54:23 Vice Chairman Kerns
01:54:38 Rep. More

01:55:37 Rep. MacDonald
01:56:07 Rep. Warburton entered.
01:56:54 Rep. Bangerter
01:57:43 Chairman Peterson
01:58:21 Rep. Hill entered.
01:59:02 Rep. Wagner
02:00:55 Rep. Harris

02:01:32 **Vote:** Motion failed 7-13 by roll call vote with Rep. Kerns, Rep. More, Rep. Read, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting aye. Rep. Read voted by proxy.

02:02:37 **Motion/Vote:** Rep. Kerns moved that **HB 355 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 360

02:02:50 **Motion:** Rep. Kerns moved that **HB 365 DO PASS**.

Discussion:

02:03:21 Rep. Bangerter
02:03:59 Rep. Menahan
02:05:17 Rep. Harris
02:05:59 Rep. Menahan
02:07:08 Rep. Harris
02:07:26 Rep. Menahan
02:07:41 Rep. MacDonald
02:08:13 Rep. Hansen
02:08:44 Rep. More
02:09:51 Chairman Peterson
02:10:02 Rep. Kerns
02:10:34 Chairman Peterson
02:11:20 Rep. Harris

02:11:43 **Vote:** Motion carried 13-7 by roll call vote with Rep. Driscoll, Rep. Harris, Rep. Kerns, Rep. Read, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Read voted by proxy.

EXECUTIVE ACTION ON HB 365

02:13:37 **Motion:** Rep. Menahan moved that **HB 365 DO PASS**.

Discussion:

12:14:09 Rep. Menahan
02:16:31 Chairman Peterson
02:16:36 Rep. Menahan
02:17:19 Rep. Howard
02:18:23 Rep. Menahan

02:20:08 Rep. Harris
02:20:39 Rep. Driscoll
02:20:44 Rep. Hill
02:21:09 Chairman Peterson
02:21:15 Rep. Hill
02:22:19 Rep. Menahan
02:23:08 Rep. Kerns
02:23:56 Rep. Pease-Lopez
02:24:43 Chairman Peterson
02:25:40 Rep. Wagner

02:26:43 **Vote:** Motion carried 17-3 by roll call vote with Rep. Kerns, Rep. Skattum and Rep. Warburton voting no.

EXECUTIVE ACTION ON HB 374

02:27:03 **Motion:** Rep. Hansen moved that **HB 374 DO PASS.**

Discussion:

02:27:25 Rep. Loney
02:27:44 Chairman Peterson
02:28:38 Rep. Bangerter
02:29:05 Rep. Hansen
02:29:14 Mr. Nlss
02:29:29 Rep. Bangerter
02:30:05 Rep. Hansen
02:31:09 Chairman Peterson
02:31:21 Rep. Bangerter
02:31:51 Rep. Hansen
02:32:53 Chairman Peterson

02:33:21 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON HB 271

02:34:20 **Motion/Vote:** Rep. Kerns moved that **HB 271 BE LIFTED FROM THE TABLE.** Motion carried 11-9 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. Howard, Rep. MacDonald, Rep. Menahan, Rep. O'Hara, Rep. Pease-Lopez and Rep. Sands voting no.

02:34:56 Chairman Peterson announced that the bill will be reconsidered at a later date.
02:36:57 Rep. Sands

ADJOURNMENT

02:37:59 Adjournment:

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT(juh31aad.pdf)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 17, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Ken Peterson, Chairman (R)

Members Absent: Rep. Ellie Boldman Hill (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Joe Read (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 50 2/10/2011; HB 446 2/9/2011; HB 455, 2/9/2011;
HB 457 2/9/2011; HB 493 2/15/2011; HB 496 2/15/2011;
HB 518 2/14/2011; HB 519 2/15/2011; HB 532 2/15/2011;
HB 574 2/15/2011;

Executive Action: HB 271; HB 455; HB 496

00:00:58 Vice Chairman Kerns assumed the chairmanship.

HEARING ON HB 50

Opening Statement by Sponsor:

00:01:47 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 50, Revise requirements for civil actions against bars for dram shop liability.

Proponents' Testimony:

00:03:21 Mike Cok, self
00:06:02 Rep. Menahan exited.
00:06:05 Rep. O'Hara arrived.
00:06:33 Rep. More arrived.
00:06:41 Harris Himes, self
00:07:17 David Paoli, Missoula
00:08:15 Rep. Menahan entered.

Opponents' Testimony:

00:09:12 Chris Gallus, Staples Law Office representing Montana Tavern Association
00:16:53 Jacqueline Lenmark, American Insurance Association
00:18:25 John Hayes, Great Falls, self
00:22:23 Brian Sandroek, four Helena bars and casinos
00:23:17 Neil Peterson, Gaming Industry Association

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:23:41 Rep. Peterson

00:30:03 Rep. Sands exited.

HEARING ON HB 518

Opening Statement by Sponsor:

00:25:43 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 518, Create a mental health care advance directive.

Proponents' Testimony:

00:26:54 Anita Roessmann, Disability Rights Montana

EXHIBIT(juh39a01)

EXHIBIT(juh39a02)

00:30:18 Rep. Sands returned.

00:35:41 Michael Caruso, self

00:36:57 Aimee Grmoljez, Billings Clinic

Opponents' Testimony:

00:37:30 Patricia Bowling, self

00:42:09 Rep. O'Hara exited.

00:43:15 Donald Harr, Montana Psychiatric Association, Montana Medical Association

EXHIBIT(juh39a03)

00:46:04 Rep. O'Hara returned.

00:46:29 Candace Payne, Montana Psychiatric Association

EXHIBIT(juh39a04)

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:52 Rep. Hansen

00:47:16 Ms Roessman

Closing by Sponsor:

00:47:51 Rep. Hunter

00:48:31 Rep. Hansen exited.

HEARING ON HB 455

Opening Statement by Sponsor:

00:49:22 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 455, Amend MAPA to allow non-attorney representation before agencies.

EXHIBIT(juh39a05)

EXHIBIT(juh39a06)

00:50:34 Rep. Hansen returned.

Proponents' Testimony: None

Opponents' Testimony:

00:53:03 Karen Powell, Montana State Tax Appeal Board

EXHIBIT(juh39a07)

00:57:46 David Scrimm, Chief Administrative Law Judge, Department of Labor and Industry (DLI)

Informational Testimony: None

Questions from Committee Members and Responses:

01:02:52 Rep. Wagner
01:03:08 Mr. Scrimm, DLI
01:05:23 Rep. MacDonald
01:05:35 Candace West, Chief Legal Counsel, Department of Natural Resources (DNRC)

Closing by Sponsor:

01:06:12 Rep. O'Neil

01:08:42 Rep. Sands exited.

HEARING ON HB 519

Opening Statement by Sponsor:

01:08:59 Rep. Edward Greef (R), HD 90, opened the hearing on HB 519, Direct Dept of Corrections to terminate certain prison industries contracts.

01:10:29 Rep. Peterson exited.

Proponents' Testimony:

01:12:31 Jim Edinger, President, J and R Planing, Bitterroot Valley Forest Products
01:16:11 Haywood Jones, General Manager, J and R Planing
01:17:31 Rep. Ron Ehli, HD 880
01:18:45 Sen. Bob Lake, SD 44
01:19:11 Rep. Sands returned.
01:20:41 Rep. Randy Brodehl, HD 7, representing R and J Enterprizes
01:21:16 Rep. Regier exited.

Opponents' Testimony:

01:21:44 Sen. Kim Gillan
01:23:55 Diana Koch, Legal Counsel, Department of Corrections (COR)
01:24:35 Rep. O'Hara exited.
01:25:48 John Giuliani, Rocky Mountain Timber Products, Montana Timber Products

EXHIBIT(juh39a08)

01:27:12 Rep. Regier returned.
01:27:15 Rep. Read arrived.
01:29:03 Ed Nowman, Blackfoot Timber Products, Lincoln
01:29:51 Gayle Lambert, Administrator, Montana Correctional Enterprise Division of the Department of Corrections (COR)

EXHIBIT(juh39a09)

Informational Testimony: None

Questions from Committee Members and Responses:

01:33:16 Rep. Sands
01:33:27 Rep. Wagner
01:33:36 Rep. Driscoll exited.
01:34:10 Ms Koch
01:34:31 Rep. Warburton
01:34:37 Rep. Sands exited.

01:35:06 Ms Lambert
01:36:46 Rep. Sands returned.
01:36:53 Rep. Loney

01:37:08 Ms Lambert
01:37:15 Rep. Hansen
01:37:46 Rep. Driscoll returned.
01:38:01 Ms Koch

Closing by Sponsor:

01:38:17 Rep. Greef
EXHIBIT(juh39a10)

HEARING ON HB 457

Opening Statement by Sponsor:

01:42:03 Rep. Pat Noonan (D), HD 73, opened the hearing on HB 457, Provide protection of pregnant women.

Proponents' Testimony:

01:43:10 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
01:44:00 Rebecca Mastee, Montana Catholic Conference
01:45:04 Jeff Laszloffy, Montana Family Foundation
01:45:31 Lisa Wamsley, self
01:46:13 Alex Corcoran, NARAL Pro-Choice Montana
01:47:19 Don Judge, Montana Nurses Association
01:48:07 Lindsey Love, Planned Parenthood of Montana
01:48:43 Harris Himes, Montana Eagle Forum
01:49:10 B. G. Stumberg, Canyon Ferry Baptist Church
01:49:41 Jamee Greer, Montana Human Rights Network

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:50:08 Rep. More
01:50:24 Rep. Noonan
01:50:31 Rep. Menahan
01:50:45 Vice Chairman Kerns
01:50:53 Rep. More
01:51:18 Rep. Noonan
01:51:33 Rep. Regier
01:52:18 Rep. Noonan
01:52:22 Rep. Harris
01:52:58 Rep. Noonan
01:53:17 Rep. Harris
01:53:40 Rep. Noonan
01:53:48 Rep. Pease-Lopez exited.

01:54:12 Rep. Harris
01:54:30 Rep. Noonan

Closing by Sponsor:

01:54:58 Rep. Noonan

HEARING ON HB 532

Opening Statement by Sponsor:

01:55:41 Rep. Tom Berry (R), HD 45, opened the hearing on HB 532, Revising statutes of limitations time limits regarding accrual of damages.

01:55:49 Rep. Regier exited.

Proponents' Testimony:

01:56:57 Brian Delaney, Associate Counsel for ALPS Corporation

EXHIBIT(juh39a11)

01:59:39 Rep. Regier returned.

01:59:47 Rep. Pease-Lopez returned.

02:05:41 Rep. Driscoll exited.

02:07:01 Rep. Sands exited.

02:07:25 Bruce Spencer, Property Casualty Insurers Association

Opponents' Testimony:

02:07:42 Amy Eddy, Attorney, Kalispell, Montana Trial Lawyers Association

02:10:50 Beth Brenneman, Disability Rights Montana

Informational Testimony: None

Questions from Committee Members and Responses:

02:12:37 Rep. Loney

02:12:58 Ms Eddy

02:13:49 Rep. Loney

02:13:54 Ms Eddy

02:13:57 Rep. Sands returned.

Closing by Sponsor:

02:14:53 Rep. Berry

HEARING ON HB 493

Opening Statement by Sponsor:

02:15:35 Rep. James Knox (R), HD 47, opened the hearing on HB 493, Provide for 14th amendment state compact on birth records.

EXHIBIT(juh39a12)

02:18:02 Rep. Bangarter exited.

02:20:04 Rep. Read exited.

02:20:28 Rep. Bangarter returned.

Proponents' Testimony:

02:20:36 B. G. Stumberg, self
02:21:24 Lisa Wamsley, self
02:22:58 Rep. Driscoll returned.
02:23:55 Harris Himes, Montana Eagle Forum

Opponents' Testimony:

02:24:53 Niki Zupanic, American Civil Liberties Union (ACLU)

EXHIBIT(juh39a13)

00:25:59 Rep. Read returned.
02:28:32 Rep. Driscoll exited.
02:30:51 Shahid Haque-Hausrath, Helena Attorney

EXHIBIT(juh39a14)

02:31:21 Deborah Smith, Washington Chapter, American Immigration Lawyers'
Association
02:33:37 Jamee Greer, Human Rights Network
02:35:03 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Informational Testimony: None

Questions from Committee Members and Responses:

02:35:27 Rep. Harris
02:36:47 Mr. Haque-Hausrath
02:37:54 Rep. Harris
02:38:38 Rep. Knox
02:39:51 Rep. More
02:40:32 Ms Zupanic
02:40:37 Rep. More
02:40:43 Ms Zupanic
02:40:51 Rep. More
02:40:56 Ms Zupanic
02:41:06 Rep. More
00:41:22 Ms Zupanic
02:43:04 Rep. More
02:43:09 Rep. Sands
02:43:57 Ms Smith
02:44:03 Rep. Sands
02:44:19 Ms Smith
02:44:47 Rep. Sands
02:45:05 Rep. Knox
02:47:09 Rep. Sands
02:47:57 Rep. Knox
02:48:26 Rep. Wagner
02:50:38 Rep. Loney exited.
02:51:32 Rep. Wagner
02:51:45 Mr. Haque-Hausrath
02:53:14 Rep. Warburton
02:53:38 Rep. Loney returned.
02:53:56 Mr. Haque-Hausrath
02:55:13 Chairman Peterson returned.

02:56:30 Vice Chairman Kerns
02:56:34 Rep. Menahan
02:57:03 Ms. Smith
02:58:29 Rep. Wagner
02:59:17 Ms Smith

Closing by Sponsor:

02:59:39 Rep. Knox

03:01:08 Rep. Peterson resumed the chairmanship.

HEARING ON HB 574

Opening Statement by Sponsor:

03:01:25 Rep. Wendy Warburton (R), HD 34, opened the hearing on HB 574,
Constitutional referendum to specify no right to abortion or its public funding.

Proponents' Testimony:

03:02:41 Rebecca Mastee, Montana Catholic Conference

EXHIBIT(juh39a15)

03:07:32 Jeff Laszloffy, Montana Family Foundation

03:08:11 Nancy Frank, Clancy, Options Womens Clinics and 8 other clinics.

03:09:18 Lisa Wamsley, self

03:11:23 Harris Himes, Montana Eagle Forum

03:11:31 B. G. Stumberg, Canyon Ferry Road Baptist Church

Opponents' Testimony:

03:12:14 Niki Zupanic, ACLU

EXHIBIT(juh39a16)

03:15:39 Brian Miller, Attorney, Morrison, Miller and Sherwood

EXHIBIT(juh39a17)

03:16:21 Rep. Driscoll returned.

03:19:37 Alex Corcoran, NARAL Montana

03:20:13 Rep. Harris exited.

03:20:53 Lindsey Love, Planned Parenthood of Montana

03:21:37 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Informational Testimony: None

Questions from Committee Members and Responses:

03:22:41 Chairman Peterson

Closing by Sponsor:

03:23:05 Rep. Warburton

03:27:05 Rep. Sands exited.

HEARING ON HB 496

Opening Statement by Sponsor:

03:26:10 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 496, Allowing law enforcement agencies to destroy certain firearms they possess.

03:28:32 Rep. Harris returned.

03:30:45 Rep. Sands returned.

Proponents' Testimony:

03:32:45 Brant Light, Chief Prosecutor, Attorney General's Office (AG)

03:34:15 Mark Murphy, Montana County Attorneys' Association (MCAA)

03:34:40 Rep. Hill arrived.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:35:26 Rep. Regier

03:35:33 Rep. Menahan

03:36:34 Rep. Wagner

03:36:54 Rep. Menahan

03:37:04 Rep. Wagner

03:37:12 Mr. Light

Closing by Sponsor:

03:37:43 Rep. Menahan

03:40:19 Chairman Peterson

03:40:25 Rep. Driscoll

03:40:30 Rep. More

03:40:37 Chairman Peterson

03:40:45 Rep Sands exited.

03:40:49 Rep. More

03:41:08 Rep. Regier

03:41:18 Chairman Peterson

EXECUTIVE ACTION ON HB 496

03:42:06 **Motion:** Rep. Kerns moved that **HB 496 DO PASS.**

Discussion:

03:42:10 Vice Chairman Kerns

03:42:44 Rep. Harris

03:43:12 Rep. More

03:43:43 Rep. Wagner

03:44:10 Rep. Loney

03:44:25 Rep. MacDonald

03:44:53 Rep. Menahan
03:45:21 Rep. MacDonald
03:45:51 Rep. Hansen
03:46:08 Rep. Menahan
03:46:20 Chairman Peterson

03:47:15 **Vote:** Motion carried 12-7 by roll call vote with Rep. Harris, Rep. Kerns, Rep. Loney, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. O'Hara and Rep. Sands voted by proxy. Rep. Howard was not present and did not vote.

EXECUTIVE ACTION ON HB 271

Previously considered February 4 and February 8

03:49:16 **Motion:** Rep. Kerns moved that **HB 271 BE RECONSIDERED.**

03:49:48 **Vote:** Motion carried 10-7 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Harris, Rep. Hill, Rep. MacDonald, Rep. Menahan and Rep. Pease-Lopez voting no. Rep. Howard, Rep. O'Hara and Rep. Sands were absent and did not vote.

03:50:06 **Motion/Vote:** Rep. Kerns moved that **HB 271 DO PASS AS AMENDED.** Motion carried 11-9 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. Howard, Rep. MacDonald, Rep. Menahan, Rep. O'Hara, Rep. Pease-Lopez and Rep. Sands voting no. Rep. Howard, Rep. O'Hara and Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HB 455

03:53:24 **Motion:** Rep. Kerns moved that **HB 455 DO PASS.**

Discussion:

03:53:54 Rep. Hansen
03:54:32 Rep. Wagner
03:54:44 Rep. Skattum exited.
03:55:23 Rep. Menahan
03:56:54 Rep. Loney
03:57:10 Rep. More
03:57:31 Chairman Peterson
03:58:39 Vice Chairman Kerns
03:58:50 Rep. Hansen

03:59:32 **Vote:** Motion failed 8-11 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Kerns, Rep. More, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting aye. Rep. O'Hara, Rep. Sands and Rep. Skattum voted by proxy. Rep. Howard was absent and did not vote.

04:01:16 **Motion/Vote:** Rep. Kerns moved that **HB 455 BE TABLED AND THE VOTE REVERSED**. Motion carried 16-0 by voice vote. Rep. Howard, Rep. O'Hara, Rep. Sands and Rep. Skattum were not present for the vote.

04:01:28 Chairman Peterson

04:01:45 Rep. Wagner

04:02:03 Chairman Peterson

MINUTES

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 22, 2011 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Chas Vincent (R)

Members Excused: Sen. Jeff Essmann (R)
Sen. Larry Jent (D)
Sen. Jim Peterson (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

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Committee Business Summary:

Hearing & Date Posted: HB 548, 3/1/2011; SB 322, 3/1/2011; SB 323, 3/1/2011

Executive Action: HB 544-Tabled, SB 323-Tabled, SB 322, Do Pass, HB 548-Be
Concurred In As Amended

HEARING ON HB 548

Opening Statement by Sponsor:

00:02:25 Rep. Liz Bangerter (R), HD 80, opened the hearing on HB 548, Revising 46-18-203 regarding revocation of a suspended or deferred sentence.

Proponents' Testimony:

00:03:22 Mark Mattioli, Bureau Chief, Appellate Division, Assistant Attorney General, Department of Justice, State of Montana

EXHIBIT(jus64a01)

EXHIBIT(jus64a02)

00:07:20 Larry Epstein, Montana County Attorneys Association (MCAA)

00:09:37 Pam Bunke, Administrator, Adult Community Corrections Division, Department of Corrections (DOC), State of Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:10:24 Rep. Bangerter

HEARING ON SB 323

Opening Statement by Sponsor:

00:12:16 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 323, Referendum to allow over-ride of court decisions invalidating statute.

EXHIBIT(jus64a03)

Proponents' Testimony:

00:21:21 Harris Himes, Montana Eagle Forum (MEF)

Opponents' Testimony:

00:24:13 Niki Zupanic, American Civil Liberties Union (ACLU)
00:25:40 Chris Manos, Executive Director, State Bar of Montana
00:28:57 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:31:13 Sen. Larsen
00:32:12 Sen. Balyeat
00:34:42 Sen. Blewett
00:35:33 Sen. Balyeat
00:38:49 Sen. Blewett
00:39:42 Ms. Zupanic
00:40:30 Chairman Murphy
00:40:38 Sen. Balyeat
00:40:45 Sen. Augare
00:42:30 Sen. Balyeat

Closing by Sponsor:

00:49:45 Sen. Balyeat

HEARING ON SB 322

Opening Statement by Sponsor:

00:55:02 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 322, Referendum to revise venue for lawsuits challenging validity of statute.

Proponents' Testimony:

00:59:23 Harris Himes, Montana Eagle Forum (MEF)

Opponents' Testimony:

01:00:33 Ann Brodsky, Chief Legal Counsel, Governor's Office, State of Montana
01:05:38 Niki Zupanic, American Civil Liberties Union (ACLU)

Informational Testimony:

None

01:35:29 **Motion/Vote:** Sen. Hinkle moved that **HB 548 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Hinkle will carry the bill.

EXECUTIVE ACTION ON SB 322

01:36:37 **Motion:** Sen. Hinkle moved that **SB 322 DO PASS**.

Discussion:

01:36:50 Sen. Blewett

01:38:02 Sen. Hinkle

01:38:22 Sen. Blewett

01:39:13 Sen. Larsen

01:39:38 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 323

01:40:24 **Motion:** Sen. Hinkle moved that **SB 323 DO PASS**.

Discussion:

01:40:34 Sen. Blewett

01:42:10 Sen. Shockley

01:42:51 **Vote:** Motion failed 4-8 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy. Without objection, motion to reverse the vote and table carried.

01:43:54 Chairman Murphy

ADJOURNMENT

Adjournment: 10:47 A.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT(jus64aad.pdf)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 17, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Krayton Kerns, Vice Chairman (R)

Members Absent: Rep. Kris Hansen (R)
Rep. Jesse O'Hara (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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: SB 15, 3/8/2011; SB 42, 3/8/2011; SB 68, 3/8/2011;
SB 114, 3/4/2011

Executive Action: None

HEARING ON SB 15

Opening Statement by Sponsor:

00:02:57 Sen. Larry Jent (D), SD 32, opened the hearing on SB 15, Create misdemeanor crime of aggravated DUI.

EXHIBIT(juh60a01)

Proponents' Testimony:

00:08:44 Steve Bullock, Montana Attorney General (AG)

00:12:56 Rep. Warburton
00:13:13 Mr. Bullock

00:13:52 Scott Twito, Yellowstone County Attorney
00:16:33 Rep. Hansen arrived.
00:17:56 David Carter, Yellowstone County Attorney's Office
00:22:10 Jed Fitch, Beaverhead County Attorney
00:25:00 Becky Sturdevant, Mothers Against Drunk Driving (MADD)
00:26:46 Chris Minard, self

Opponents' Testimony:

00:27:36 Trey Cathey, self

Informational Testimony:

00:32:09 Gary Marbut, self

Questions from Committee Members and Responses:

00:33:50 Rep. Bangerter
00:34:02 Rep. Driscoll exited.
00:34:24 Sen. Jent
00:34:55 Chairman Peterson
00:40:01 Mr. Carter
00:35:37 Rep. Howard exited.
00:35 48 Chairman Peterson
00:37:01 Mr. Carter
00:37:05 Rep. MacDonald exited.
00:38:52 Rep. MacDonald returned.
00:39:52 Vice Chairwoman Sands
00:40:08 Sen. Jent
00:41:55 Vice Chairwoman Sands
00:43:18 Sen. Jent
00:43:36 Vice Chairwoman Sands
00:44:06 Sen. Jent
00:44:22 Rep. Driscoll returned.
00:44:35 Chairman Peterson
00:45:06 Sen. Jent
00:45:12 Rep. Menahan
00:45:59 Mr. Carter
00:46:04 Sen. Menahan
00:46:14 Mr. Carter

00:46:42 Rep. Menahan
00:47:31 Mr. Carter
00:49:01 Rep. O'Hara exited.
00:49:44 Rep. Menahan
00:50:42 Rep. Regier
00:51:07 Sen. Jent
00:51:32 Rep. O'Hara returned.
00:53:24 Rep. Wagner
00:54:14 Rep. Menahan
00:54:21 Rep. Loney exited.
00:54:43 Rep. Wagner
00:54:48 Rep. Skattum exited.
00:55:13 Sen Jent
00:57:02 Chairman Peterson
00:57:10 Sen. Jent

Closing by Sponsor:

00:58:01 Sen. Jent

HEARING ON SB 42

Opening Statement by Sponsor:

00:58:22 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 42, Authorize warrants to obtain blood or breath test in DUI cases.

00:59:54 Rep. Loney returned.
01:00:18 Rep. Skattum returned.
01:00:24 Rep. Read exited.
01:02:49 Rep. Bangerter exited.

Proponents' Testimony:

01:04:05 Col. Mike Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)
01:06:58 Rep. Bangerter returned.
01:08:24 Sen. Larry Jent
01:08:40 Rep. MacDonald exited.
01:09:21 Vice Chairman Kerns arrived.
01:09:34 Rep. MacDonald returned.
01:09:43 Mark Murphy, Montana County Attorneys Association, Montana Association of Chiefs of Police, Montana Police Protective Association.
01:14:54 Scott Twito, Yellowstone County Attorney
01:17:32 Rep. Read returned.
01:18:02 Becky Sturdevant, Mothers Against Drunk Driving (MADD)
01:20:20 Jed Fitch, Beaverhead County Attorney
01:21:18 Rep. Howard returned.
01:24:05 Jessie Luther, Association of Montana Troopers
01:24:33 Rep. Howard exited.
01:24:53 Chris Minard, self

Opponents' Testimony:

01:26:00 Trey Cathey, self

Informational Testimony: None

Questions from Committee Members and Responses:

01:28:45 Vice Chairwoman Sands
01:29:28 Col. Tooley
01:29:34 Rep. Driscoll exited.
01:30:19 Vice Chairwoman Sands
01:31:25 Sen. Shockley
01:33:50 Vice Chairwoman Sands
01:34:00 Sen. Shockley
01:34:28 Rep. More
01:34:21 Sen. Shockley
01:35:26 Rep. More
01:35:33 Sen. Shockley
01:36:03 Rep. More
01:36:07 Sen. Shockley
01:36:29 Rep. More
01:37:54 Sen. Shockley
01:38:34 Rep. O'Hara exited.
01:38:57 Sen. Shockley
01:40:39 Rep. Menahan
01:41:59 Mr. Fitch
01:42:55 Rep. Menahan
01:45:18 Mr. Fitch
01:45:12 Rep. Menahan
01:45:57 Mr. Fitch
01:47:14 Rep. Wagner
01:48:05 Sen. Shockley
01:51:05 Rep. Hansen exited.
01:51:26 Rep. Regier exited.
01:52:34 Chairman Peterson
01:53:42 Sen. Shockley
01:55:42 Chairman Peterson
01:55:48 Rep. Hansen returned.
01:55:51 Col. Tooley
01:56:24 Vice Chairwoman Sands exited.

Closing by Sponsor:

01:56:51 Sen. Shockley

01:58:23 Rep. Regier returned.
01:59:21 Chairman Peterson
01:59:48 Rep. Hill
02:01:34 Chairman Peterson
02:01:45 Rep. Hansen returned.

HEARING ON SB 68

Opening Statement by Sponsor:

02:13:00 Sen. Larry Jent (D), SD 32, opened the hearing on SB 68, Clarify duty of driver in accident to remain at the scene.

Proponents' Testimony:

02:19:07 Ali Bovington, Attorney General's Office (AG)

EXHIBIT(juh60a02)

02:23:19 Mr. Carter

02:28:39 Rep. Driscoll returned.

02:30:04 Vice Chairwoman Sands returned.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:29:53 Rep. Regier

02:30:15 Sen. Jent

02:31:12 Rep. Regier

02:31:26 Sen. Jent

02:32:02 Rep. Bangerter

02:32:22 Rep. Hansen

02:32:30 Sen. Jent

02:32:37 Rep. Loney

02:33:23 Mr. Carter

Closing by Sponsor:

02:35:01 Sen. Jent

HEARING ON SB 114

Opening Statement by Sponsor:

02:36:07 Sen. Greg Hinkle (R), SD 7, opened the hearing on SB 114, Federal law enforcement officers should communicate with sheriff.

02:41:27 Rep. Skattum exited.

Proponents' Testimony:

02:44:00 Gary Marbut, Montana Shooting Sports Association (MSSA) Western Montana Fish and Game Association (WMFGA)

EXHIBIT(juh60a03)

02:47:55 Rep. Skattum returned.

02:48:28 Rep. Wagner exited.

02:48:42 Rep. Howard exited.

02:49:20 Daniel Cole, representing Sanders County Sheriff Tom Rummel

02:51:10 Rep. O'Hara exited.

02:51:54 Franklin Shook, Oath Keepers of Montana

02:52:47 Bob Faw, self
02:54:15 Dale Grossfield, self
02:54:29 Rep. Howard returned.
02:54:40 Rep. Wagner returned.
02:55:13 Rep. Howard exited.
02:59:28 Chairman Peterson
03:01:08 Mr. Grossfield

EXHIBIT(juh60a04)

EXHIBIT(juh60a05)

03:01:53 Rep. Read exited.
03:02:23 Rep. Wagner returned.
03:03:16 Chairman Peterson
03:03:20 Kevin McCauley, self
03:04:25 Rep. Howard returned.
03:06:34 Trey Cathey, self
03:08:12 Rep. Read returned.
03:08:44 Tim Ravndal, Lewis and Clark Conservative Tea Party
03:10:43 Rep. O'Hara returned.
03:13:33 Jim Smith, Montana Sheriffs and Peace Officers Association

Opponents' Testimony:

03:16:28 Tom Baird, self
03:16:47 Jamee Greer, Montana Human Rights Network

Informational Testimony: None

Questions from Committee Members and Responses:

03:17:59 Rep. Wagner
03:18:43 Rep. Bangerter exited.
03:18:52 Rep. Pease-Lopez exited.
03:19:02 Rep. Loney exited.
03:19:42 Rep. Bangerter returned.
03:20:22 Chairman Peterson
03:21:02 Mr. Smith
03:21:36 Rep. Loney returned.
03:21:58 Rep. Wagner
03:23:44 Mr. Smith
03:23:57 Rep. Bangerter exited.
03:24:19 Rep. Wagner
03:24:27 Mr. Smith
03:24:40 Rep. Wagner
03:24:47 Rep. Pease-Lopez returned.
03:24:58 Mr. Smith
03:25:15 Rep. Wagner
03:25:30 Chairman Peterson
03:28:06 Rep. More
03:28:50 Mr. Smith
03:29:01 Rep. Read exited.
03:29:31 Rep. More
03:29:37 Mr. Marbut

03:30:06 Rep. More
03:30:20 Mr. Marbut
03:30:30 Rep. More
03:30:46 Vice Chairwoman Sands
03:30:52 Rep. Harris exited.
03:30:59 Rep. Menahan exited.
03:31:22 Sen. Hinkle
03:31:47 Vice Chairwoman Sands
03:32:21 Sen. Hinkle
03:32:31 Vice Chairwoman Sands
03:33:09 Sen. Hinkle
03:33:40 Vice Chairwoman Sands
03:34:01 Sen. Hinkle
03:34:16 Vice Chairwoman Sands
03:34:25 Sen. Hinkle
03:34:37 Rep. Hill
03:35:12 Sen. Hinkle
03:35:20 Rep. Harris and Rep. Menahan returned.
03:36:36 Chairman Peterson
03:36:43 Rep. Wagner
03:37:18 Chairman Peterson
03:37:24 Rep. Wagner
03:38:06 Rep. Read returned.
03:38:23 Chairman Peterson
03:38:33 Rep. Harris
03:39:48 Chairman Peterson

Closing by Sponsor:

03:40:25 Sen. Hinkle

ADJOURNMENT

03:43:18 Adjournment

Karen Armstrong, Secretary

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Additional Exhibit:
EXHIBIT(juh60a06)

Additional Documents:

EXHIBIT(juh60aad.pdf)

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Jim Shockley, on January 17, 2011 at 10:00 A.M., in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Chair (R)
Sen. Terry Murphy, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)

Members Excused: None

Members Absent: Sen. Anders Blewett (D)
Sen. Larry Jent (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 152, 1/12/2011

Executive Action: SB 152-Do Pass, SB 68-Do Pass As Amended

HEARING ON SB 152

Opening Statement by Sponsor:

00:00:14 Sen. Taylor Brown (R), SD 22, opened the hearing on SB 152, Increase the penalty for sexual assault for second and subsequent offenses.

Proponents' Testimony:

00:05:44 Brent Brooks, City Attorney, Billings
00:09:47 Brent Light, Chief Prosecutor, Assistant Attorney General, Department of Justice (DOJ)
00:12:43 Larry Epstein, Montana County Attorneys Association, Montana Chiefs of Police Association
00:14:15 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence

EXHIBIT(jus12a01)

EXHIBIT(jus12a02)

EXHIBIT(jus12a03)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:18:21 Sen. Moss
00:18:52 Mr. Light

Closing by Sponsor:

00:20:09 Sen. Brown

EXECUTIVE ACTION ON SB 152

00:34:22 **Motion/Vote:** Sen. Larsen moved that **SB 152 DO PASS**. Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 68

00:35:38 **Motion:** Sen. Shockley moved that **SB 68 DO PASS AS AMENDED** (amendment was adopted in hearing 1/13/11).

Discussion:

00:37:14 Valencia Lane

00:37:23 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

00:37:57 Sen. Shockley

Additional Exhibits Distributed to Committee Members:

SB 106 heard 1/12/11
EXHIBIT(jus12a04)

Oversight Hearing with Department of Corrections 1/14/11
EXHIBIT(jus12a05)

ADJOURNMENT

Adjournment: 10:40 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus12aad.pdf](#))

MINUTES

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 8, 2011 at 8:00 A.M., in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 185, 1/17/2011

HEARING ON SB 185

Opening Statement by Sponsor:

00:01:08 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 185, Abolish death penalty and replace with life in prison w/o parole.

EXHIBIT(jus31a01)

EXHIBIT(jus31a02)

Proponents' Testimony:

00:20:21 Jacqueline Lenmark, Montana Abolition Coalition

EXHIBIT(jus31a03)

00:26:55 Diana Cote, self, Confederated Salish and Kootenai Tribe, mother of murder victim, Tesheena Craft

00:32:14 Randy Steidl, self, convicted Death Row inmate/survivor/Illinois, released 2004

00:37:16 Ron Waterman, Attorney

EXHIBIT(jus31a04)

EXHIBIT(jus31a05)

00:44:52 Ron McAndrew, retired Warden, Florida State Prison

EXHIBIT(jus31a06)

00:52:13 John Sheehy, retired, Attorney, Former Montana Supreme Court Justice

EXHIBIT(jus31a07)

00:57:33 Chris Ochoa, self, convicted Death Row inmate/survivor/Texas, released 2002

01:05:51 Matt Kuntz, Executive Director, NAMI of Montana

01:09:27 John Connor, former Chief of Special Prosecutions Office, Montana Attorney General's Office

01:15:11 Tony Poelman, brother of murder victim, Bernie Poelman, also for Marietta Yeager Lane, mother of murder victim, Susie Jaeger

EXHIBIT(jus31a08)

01:16:03 Tom Biglen, self, former Sweetgrass county

01:18:29 Phillip Masters, Pastor, Gateway Christian Fellowship, Montana District of Assembly of God Churches, also for Alan Warneke

01:21:18 Linda Wetzel, self, Teacher, also for Robert Flipovich

EXHIBIT(jus31a09)

EXHIBIT(jus31a10)

01:26:41 Jim Brown, Montana Association of Churches

EXHIBIT(jus31a11)

01:27:24 Moe Wosepka, Montana Catholic Conference

EXHIBIT(jus31a12)

01:27:42 Franklin Brookhart, Bishop, Episcopal Church USA

01:28:03 Beth Brenneman, Disability Rights Montana

Exhibits given to the Committee Members at the conclusion of the Proponents allotted time regarding SB 185:

EXHIBIT(jus31a13)

Ziggy Ziegler, Chairman, Montana Catholic Conference, son of murdered father, former Yellowstone County Commissioner

EXHIBIT(jus31a14)

Mary Kay Raftery, mother of murdered son, Paul Raftery

EXHIBIT(jus31a15)

Carolyn Madplume, mother of murdered daughter, Catherine Madplume

EXHIBIT(jus31a16)

Roy Brown, former Legislator, Senator/Representative, State of Montana

EXHIBIT(jus31a17)

Jim Kizer, former police officer, City of Great Falls

EXHIBIT(jus31a18)

Liz Rantz, physician

EXHIBIT(jus31a19)

Mary Fay, former parole and probation officer, Department of Corrections, State of Montana

EXHIBIT(jus31a20)

Bob Wallace, former police officer, Dillon, Montana, former teacher, Montana State Prison

EXHIBIT(jus31a21)

Dan Oberweiser, Licensed Addiction Counselor, State of Montana, previously counselor, Montana State Prison

EXHIBIT(jus31a22)

Dick Meeker, former chief Probation Officer, State of Montana

EXHIBIT(jus31a23)

Ronald Gerughty, retired Pathologist

EXHIBIT(jus31a24)

Dion Cassidy, former law enforcement officer

EXHIBIT(jus31a25)

Bishop Jessica Crist, Evangelical Lutheran Church In America

EXHIBIT(jus31a26)

Jeffrey Renz, attorney

EXHIBIT(jus31a27)

Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)

EXHIBIT(jus31a28)

Margarita McLarty, self

(Committee took a brief recess)

Opponents' Testimony:

01:38:29 Rep. Roy Hollingsworth, HD 28, brother and son of murdered family members
01:44:44 Rep. Tom Berry HD 45, father of murdered son
01:50:17 Cindy Swank, self

EXHIBIT(jus31a29)

01:54:15 Rep. Joe Read, HD 15
02:00:46 Bertold Gottleib "B.G." Stumberg, III, minister, Canyon Ferry Baptist Church

02:03:22 Sen. Moss-objection
02:03:28 Chairman Murphy-response
02:03:38 Sen. Augare-objection
02:03:43 Sen. Larsen-objection

02:05:22 Harris Himes, Montana Eagle Forum, Pastor

02:13:17 Sen. Moss-objection
02:13:31 Chairman Murphy-response

02:14:03 Mr. Himes
02:14:52 Jeff Laszloffy, self
02:23:08 Rep. Janna Taylor HD 11
02:31:06 Becky Stockton, self

Informational Testimony:

02:32:37 Fritz Gillespie, Attorney, Chairman of Commission, Office of Public Defender
(OPD)

EXHIBIT(jus31a30)

Questions from Committee Members and Responses:

02:33:47 Sen. Moss
02:34:45 Mr. Connor
02:36:50 Sen. Moss
02:37:20 Mr. McAndrew
02:38:12 Sen. Larsen
02:38:59 Mr. Connor
02:42:47 Sen. Augare
02:43:41 Mr. Wosepka
02:44:57 Sen. Augare
02:45:26 Mr. Connor
02:47:33 Sen. Shockley
02:48:19 Mr. Connor
02:49:23 Sen. Vincent
02:49:46 Mr. Laszloffy

Closing by Sponsor:

02:50:12 Sen. Wanzenried

Committee Business:

03:02:21 Chairman Murphy

ADJOURNMENT

Adjournment: 11:07 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus31aad.pdf](#))

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 17, 2011 at 8:00 A.M., in Room 317-A
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)

Members Excused: Sen. Jeff Essmann (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 308, 2/9/2011; SB 336, 2/9/2011; SB 337, 2/9/2011

Executive Action: SB 337-Do Pass As Amended, SB 279-Do Pass As Amended,
SB 336-Tie

HEARING ON SB 308

Opening Statement by Sponsor:

00:01:09 Sen. Cliff Larsen (D), SD 50, opened the hearing on SB 308, Provide for criminal offense for refusal of alcohol testing.

EXHIBIT(jus39a01)

Proponents' Testimony:

00:05:17 Rep. Edie McClafferty, HD 75, Butte, Montana

EXHIBIT(jus39a02)

EXHIBIT(jus39a03)

00:08:29 Steve Bullock, Attorney General, Department of Justice (DOJ), State of Montana

EXHIBIT(jus39a04)

EXHIBIT(jus39a05)

00:13:35 Matt Cochenour, Appellate Prosecutor, Assistant Attorney General, DOJ

00:19:58 Josh Trehwella, self, Husband of Merry Jane Trehwella, killed by a drunk driver in Billings, Montana 2010

00:24:35 Jeff Hays, Prosecuting Attorney, Darby, Montana

00:28:32 Larry Epstein, Montana Police Protective Association (MPPA), Montana Chiefs of Police (MCPA), Montana County Attorney Association (MCAA)

00:30:13 Jim Smith, Montana Sheriff and Peace Officers Association (MSPOA)

00:30:58 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

EXHIBIT(jus39a06)

00:35:46 Kris Minard, self

00:37:50 Hiedi Handford, self

00:39:22 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ

Opponents' Testimony:

00:39:56 Katie Heitstuman, American Civil Liberties Union (ACLU)

EXHIBIT(jus39a07)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:43:06 Sen. Hinkle

00:44:24 Sen. Larsen

00:46:56 Sen. Shockley

00:47:17 Mr. Hays

00:49:11 Sen. Shockley

00:49:35 Mr. Epstein

00:52:37 Mr. Cochenour

00:54:15 Sen. Murphy

00:54:49 Mr. Bullock

00:56:16 Sen. Jent
00:56:51 Mr. Bullock
00:57:53 Sen. Shockley
00:58:12 Mr. Cochenour
01:01:26 Sen. Murphy
01:02:20 Mr. Bullock

Closing by Sponsor:

01:03:25 Sen. Larsen

HEARING ON SB 337

Opening Statement by Sponsor:

01:08:13 Sen. Anders Blewett (D), SD 11, opened the hearing on SB 337, Revise probate laws and laws relating to civil proceedings.

Proponents' Testimony:

01:11:21 Chuck Willey, Professor, Chairman, Business and Estates Committee, State Bar of Montana

EXHIBIT(jus39a08)

01:18:54 Beth Brenneman, Disability Rights Montana (DRM)
01:21:11 Dan McLean, Probate and Trust Attorney, Helena, Montana
01:24:02 Ward Shanahan, Attorney, Helena, Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:27:39 Sen. Shockley
01:28:18 Mr. Shanahan

Closing by Sponsor:

01:29:06 Sen. Blewett

01:30:06 recess
01:44:48 resume

HEARING ON SB 336

Opening Statement by Sponsor:

01:44:51 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 336, Generally revise medical marijuana laws to authorize PTSD for coverage.

Proponents' Testimony:

01:49:12 Tayln Lang, Veteran

EXHIBIT(jus39a09)

EXHIBIT(jus39a10)

01:53:11 Hiedi Handford, Montana Connect, Patients Out of Time

EXHIBIT(jus39a11)

01:56:21 Charlie Brown, Veteran, Missoula, Montana

02:07:31 Kate Cholewa, Alliance for Cannabis Science

02:09:39 Mike Fellows, Veteran

EXHIBIT(jus39a12)

02:10:32 Jim Gingary, Executive Director, Montana Medical Growers Association (MMGA)

02:13:12 Joe Estenson, self

02:13:38 Tom Daubert, Patients and Family United

02:15:19 Sen. Cliff Larsen, SD 50

02:18:51 Katie Heitstuman, ACLU

02:20:38 James Locker, self

02:25:15 Doug Chyatte, Montanans for Responsible Legislation

EXHIBIT(jus39a13)

02:25:54 Dennis Gulyas, self

Opponents' Testimony:

02:27:43 Dan Stewart, self

EXHIBIT(jus39a14)

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

02:33:55 Sen. Wanzenried

02:38:04 Chairman Murphy

(Sen. Vincent absent from room)

EXECUTIVE ACTION ON SB 337

02:47:43 **Motion:** Sen. Shockley moved that **SB 337 DO PASS.**

02:47:54 **Motion:** Sen. Blewett moved that **SB 337 BE AMENDED.**
EXHIBIT(jus39a15)

Discussion:

02:51:21 Valencia Lane, Legislative Services Division (LSD)

02:52:41 Sen. Blewett (was going to make a Conceptual Amendment, but decided not to make the amendment)

02:53:11 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann and Sen. Vincent voted by proxy.

02:53:00 Ms. Lane

02:54:53 **Motion:** Sen. Shockley moved that **SB 337 BE AMENDED.**
EXHIBIT(jus39a16)

Discussion:

02:54:56 Sen. Blewett

02:55:16 Sen. Shockley

02:55:45 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann and Sen. Vincent voted by proxy.

(Sen. Vincent present in room)

02:56:13 **Motion/Vote:** Sen. Blewett moved that **SB 337 DO PASS AS AMENDED.**
Motion carried unanimously by roll call vote. Sen. Essmann voted by proxy.

EXECUTIVE ACTION ON SB 336

02:57:13 **Motion:** Sen. Blewett moved that **SB 336 DO PASS.**

Discussion:

02:57:28 Sen. Shockley
02:59:02 Sen. Blewett
03:00:20 Sen. Hutton
03:01:11 Sen. Larsen
03:02:57 Sen. Jent
03:03:46 Sen. Hinkle
03:04:16 Sen. Shockley

03:05:42 **Vote:** Motion failed 6-6 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen, Sen. Moss, Sen. Murphy and Sen. Vincent voting aye. Sen. Essmann voted by proxy.

03:06:42 Sen. Larsen

EXECUTIVE ACTION ON SB 279

03:07:27 **Motion:** Sen. Shockley moved that **SB 279 DO PASS.**

03:08:36 **Motion:** Sen. Hinkle moved that **SB 279 BE AMENDED.**
EXHIBIT(jus39a17)

Discussion:

03:09:16 Sen. Shockley
03:09:32 Sen. Hinkle
03:09:53 Sen. Peterson
03:10:20 Sen. Murphy
03:11:45 Sen. Jent
03:12:28 Sen. Larsen
03:13:31 Sen. Hinkle
03:14:31 Sen. Murphy
03:14:42 Sen. Peterson
03:15:31 Sen. Shockley

03:15:40 **Motion:** Sen. Hinkle **WITHDREW AMENDMENT WITHOUT OBJECTION.**

03:15:47 **Motion:** Sen. Augare moved that **SB 279 BE AMENDED.**
EXHIBIT(jus39a18)

Discussion:

03:16:15 Sen. Peterson
03:17:48 Sen. Shockley

03:18:07 **Vote:** Motion carried 10-2 by roll call vote with Sen. Larsen and Sen. Shockley voting no. Sen. Essmann voted by proxy.

03:18:51 **Motion:** Sen. Hinkle moved that **SB 279 DO PASS AS AMENDED.**

Discussion:

03:18:59 Sen. Moss

EXHIBIT(jus39a19)

03:20:48 Sen. Hinkle

03:21:55 Sen. Moss

03:22:03 Sen. Murphy

03:22:52 Sen. Hinkle

03:23:21 Sen. Moss

03:23:52 Sen. Larsen

03:24:37 Sen. Shockley

03:25:00 Sen. Murphy

03:25:10 Sen. Larsen

03:25:47 Sen. Jent

03:27:02 **Vote:** Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Moss voting no. Sen. Essmann voted by proxy.

Exhibits distributed to the Committee at the conclusion of today's hearing:

EXHIBIT(jus39a20)

Regarding SB 308-Picture from Josh Trewhella of wife, Merry Jane Trewhella, killed by a drunk driver Billings, Montana, 2010

EXHIBIT(jus39a21)

Regarding SB 336-Letter from Calvina Fay, Save Our Society From Drugs, in opposition to SB 336

ADJOURNMENT

Adjournment: 11:31 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus39aad.pdf](#))

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
62nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 14, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Diane Sands, Vice Chairman (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. Michael (Mike) More (R)
Rep. Bob Wagner (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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 600, 3/8/2011; SB 324, 3/8/2011

Executive Action: SB 149, SB 151, SB 238, SB 268, SB 337

00:01:25 Rep. Hill arrived.
00:03:26 Vice Chairwoman Sands arrived.

EXECUTIVE ACTION ON SB 149

00:04:04 **Motion:** Rep. Kerns moved that **SB 149 BE CONCURRED IN.**

00:04:28 **Motion:** Rep. Warburton moved that **SB 149 BE AMENDED.**
EXHIBIT(juh57a01)

Discussion:

00:06:32 Rep. More arrived.

00:06:47 **Vote:** Motion carried 18-0 by voice vote. Rep. Wagner voted by proxy.
Rep. Hansen was absent and did not vote.

00:06:56 **Motion:** Rep. Regier moved that **SB 149 BE AMENDED.**
EXHIBIT(juh57a02)

Discussion:

00:08:04 Rep. Sands
00:08:30 Chairman Peterson
00:08:41 Rep. Menahan
00:09:32 Rep. Warburton
00:09:59 Rep. Regier
00:10:18 Rep. Howard
00:10:47 Rep. Regier
00:11:06 Rep. Howard
00:11:10 Rep. Regier
00:11:13 Rep. Driscoll
00:11:26 Rep. Hansen arrived.
00:11:34 Rep. Bangerter

00:12:15 **Vote:** Motion carried 18-1 by voice vote with Rep. Warburton voting no. Rep.
Wagner voted by proxy and Rep. Harris was absent and did not vote.

00:12:30 **Motion:** Rep. Kerns moved that **SB 149 BE CONCURRED IN AS AMENDED.**

Discussion:

00:12:52 Rep. Sands
00:14:17 Rep. Menahan
00:14:44 Rep. Harris arrived.

00:14:53 **Substitute Motion:** Rep. Harris made a substitute motion that **SB 149 BE**
AMENDED.
EXHIBIT(juh57a03)

00:15:45 **Motion:** Rep. Sands moved that **PARAGRAPH 1 BE SEGREGATED FROM PARAGRAPH 2 OF THE AMENDMENT.**

Discussion:

00:16:29 Rep. Harris
00:17:36 Mr. Niss
00:18:30 Rep. Sands
00:18:39 Rep. Menahan
00:22:09 Chairman Peterson rescinded the motion to segregate.
00:22:21 Rep. Harris
00:22:45 Rep. MacDonald
00:24:55 Vice Chairman Kerns

00:26:01 **Vote:** Motion carried 19-1 by voice vote with Rep. More voting no. Rep. Wagner voted by proxy.

00:26:28 **Motion:** Rep. Kerns moved that **SB 149 BE CONCURRED IN AS AMENDED.**

Discussion:

00:26:55 Chairman Peterson
00:28:13 Rep. Bangerter
00:29:20 Vice Chairwoman Sands
00:30:08 Rep. Menahan
00:31:56 Rep. Kerns
00:32:35 Rep. Harris
00:33:30 Chairman Peterson
00:33:47 Rep. Kerns
00:34:14 Rep. Menahan
00:35:44 Rep. More
00:37:42 Rep. Menahan
00:38:09 Rep. Hansen
00:38:17 Rep. Howard
00:39:44 Rep. O'Hara
00:40:05 Rep. Menahan
00:42:19 Rep. Skattum
00:42:37 Rep. More
00:43:09 Rep. Kerns
00:43:28 Rep. Pease-Lopez
00:44:28 Chairman Peterson
00:44:40 Mr. Niss
00:46:06 Chairman Peterson
00:46:43 Rep. Bangerter
00:47:16 Rep. Regier
00:48:04 Rep. Harris
00:48:54 Rep. More

00:50:47 **Vote:** Motion carried 14-6 by roll call vote with Rep. Hansen, Rep. Kerns, Rep. More, Rep. Peterson, Rep. Skattum and Rep. Wagner voting no. Rep. Wagner voted by proxy. Rep. Harris will carry the bill.

00:50:55 Meeting recessed until 9:00
01:01:15 Meeting resumed. Rep. Wagner was not present.

HEARING ON SB 324

Opening Statement by Sponsor:

01:01:03 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 324, Revise consumer protection laws and settlement proceeds.

EXHIBIT(juh57a04)

EXHIBIT(juh57a05)

EXHIBIT(juh57a06)

EXHIBIT(juh57a07)

EXHIBIT(juh57a08)

EXHIBIT(juh57a09)

Proponents' Testimony: None

Opponents' Testimony:

01:12:37 Ali Bovingdon, Office of Computer Protection, Attorney General's Office (AG)

EXHIBIT(juh57a10)

Informational Testimony: None

Questions from Committee Members and Responses:

01:22:02 Rep. Harris
01:22:39 Ms Bovingdon, AG
01:23:49 Rep. Harris
01:23:54 Ms Bovingdon
01:24:11 Rep. Hill
01:25:21 Ms Bovingdon
01:26:15 Rep. Hill
01:26:41 Ms Bovingdon
01:26:57 Rep. Bangerter
01:27:18 Ms Bovingdon
01:28:03 Chairman Peterson
01:28:32 Ms Bovingdon
01:28:50 Chairman Peterson
01:29:19 Ms Bovingdon
01:29:36 Rep. Pease-Lopez
01:30:33 Sen. Balyeat
01:30:48 Rep. Pease-Lopez
01:31:07 Sen. Balyeat
01:32:36 Rep. Pease-Lopez
01:33:01 Sen. Balyeat
01:34:26 Rep. Hansen
01:34:51 Rep. Howard exited.
01:35:17 Ms Bovingdon
01:36:21 Rep. MacDonald
01:37:12 Rep. Hansen exited.

01:37:19 Ms Bovingdon
01:38:24 Rep. MacDonald
01:38:41 Ms Bovingdon
01:39:09 Rep. Harris
01:39:45 Ms Bovingdon
01:40:12 Rep. Hansen returned.
01:40:28 Chairman Peterson
01:41:01 Ms Bovingdon
01:41:29 Chairman Peterson

Closing by Sponsor:

01:42:01 Sen. Balyeat

01:47:29 Rep. Howard returned.

HEARING ON HB 600

Opening Statement by Sponsor:

01:49:42 Rep. Ron Ehli (R), HD 88, opened the hearing on HB 600, Revise criminal laws re: endangering children with schedule 1 drugs.

Proponents' Testimony:

01:52:41 Mark Long, Executive Director, Narcotics Officers Association and Alliance for Drug Endangered Children
01:57:05 Rep. MacDonald and Rep. Menahan exited.
01:58:04 Rep. MacDonald and Rep. Menahan returned.
02:00:18 Rep. Read exited.
02:01:16 Ali Bovingdon, AG

Opponents' Testimony:

02:02:25 Joe Hoefflich, medical cannabis patient
02:04:46 Rep. Howard exited
02:04:52 Rep. More exited.
02:07:02 Rep. Read returned.
02:08:02 Barb Trego, self
02:10:19 Tom Daubert, Patients and Families United

EXHIBIT(juh57a11)

02:12:00 Rep. More returned.
02:15:27 Rep. Howard returned.
02:17:27 Niki Zupanic, American Civil Liberties Union of Montana (ACLU)
02:18:17 Rep. O'Hara exited.
02:19:05 Rep. Menahan exited.

Informational Testimony: None

Questions from Committee Members and Responses:

02:19:24 Rep. Hill
02:21:30 Mr. Daubert
02:23:06 Rep. Bangerter
02:24:34 Ms Bovingdon, AG

02:24:51 Rep. Bangerter
02:25:06 Ms Bovingdon
02:25:17 Vice Chairwoman Sands
02:26:02 Rep. O'Hara returned.
02:26:19 Ms Bovingdon
02:27:00 Vice Chairwoman Sands
02:27:27 Rep. Ehli
02:28:09 Vice Chairwoman Sands
02:28:53 Rep. Ehli
02:29:46 Chairman Peterson
02:29:58 Mr. Daubert
02:30:18 Rep. Hansen exited.
02:31:17 Rep. Menahan returned.
02:32:44 Rep. Hansen returned.

Closing by Sponsor:

02:32:55 Rep. Ehli

02:34:54 Meeting recessed until 10:45.

02:46:20 Meeting resumed with Rep. Bangerter, Rep. Read, Rep. Harris, and Rep. Wagner absent.

EXECUTIVE ACTION ON SB 151

02:47:10 **Motion:** Rep. Kerns moved that **SB 151 BE CONCURRED IN.**

Discussion:

02:47:15 Mr. Niss
02:47:28 Rep. Bangerter returned.
02:48:46 Rep. Read returned.
02:49:28 Rep. Harris returned.
02:51:04 Rep. Bangerter
02:51:25 Rep. Menahan
02:51:35 Rep. Hill
02:53:07 Rep. Harris

02:53:54 **Substitute Motion/Vote:** Rep. Kerns made a substitute motion that **SB 151 BE TABLED.** Substitute Motion carried 17-3 by voice vote with Rep. Driscoll, Rep. MacDonald and Rep. O'Hara voting no. Rep. Wagner voted by proxy.

EXECUTIVE ACTION ON SB 238

02:54:40 **Motion:** Rep. Kerns moved that **SB 238 BE CONCURRED IN.**

Discussion:

02:55:00 Chairman Peterson
02:55:25 Rep. Warburton
02:55:57 Rep. Menahan

02:56:54 Chairman Peterson
02:57:00 Mary Phippen, Montana Magistrates Association (MMA)
02:57:48 Rep. MacDonald

02:58:03 **Motion:** Rep. K. Peterson moved that **SB 238 BE AMENDED.**
EXHIBIT(juh57a12)

Discussion:

02:58:22 Chairman Peterson
02:59:16 Rep. Howard
02:59:40 Chairman Peterson
02:59:45 Rep. Howard
02:59:55 Chairman Peterson

03:00:36 **Vote:** Motion carried 19 -1 by voice vote with Rep. Bangerter voting no. Rep. Wagner voted by proxy.

03:00:44 **Motion:** Rep. Kerns moved that **SB 238 BE CONCURRED IN AS AMENDED.**

Discussion:

03:00:58 Rep. Bangerter
03:01:41 Rep. More
03:02:04 Rep. Warburton
03:02:24 Rep. Howard
03:03:11 Chairman Peterson
03:04:02 Vice Chairman Kerns
03:04:20 Rep. Regier
03:04:40 Chairman Peterson
03:04:47 Ms Phippen, MMA
03:05:07 Rep. Regier
03:05:20 Rep. Skattum
03:05:50 Ms Phippen
03:06:31 Rep. Skattum
03:06:51 Ms Phippen
03:07:27 Chairman Peterson
03:08:00 Rep. Harris
03:08:23 Rep. O'Hara
03:09:03 Vice Chairwoman Sands

03:11:07 **Vote:** Motion carried 16-4 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Skattum and Rep. Warburton voting no. Rep. Wagner voted by proxy. Rep. Menahan will carry the bill.

EXECUTIVE ACTION ON SB 268

03:11:17 **Motion:** Rep. Kerns moved that **SB 268 BE CONCURRED IN.**

Discussion:

03:11:32 Rep. MacDonald

03:12:39 Chairman Peterson
03:12:44 Rep. MacDonald
03:13:59 Rep. Warburton
03:14:41 Rep. Hansen
03:15:12 Rep. Pease-Lopez
03:15:44 Rep. Harris

03:16:02 **Vote:** Motion carried 14-6 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez and Rep. Sands voting no. Rep. Wagner voted by proxy. Rep. Peterson will carry the bill.

EXECUTIVE ACTION ON SB 337

03:17:19 **Motion/Vote:** Rep. Kerns moved that **SB 337 BE CONCURRED IN**. Motion carried 20-0 by voice vote. Rep. Wagner voted by proxy. Rep. Peterson will carry the bill.

03:21:20 Chairman Peterson

ADJOURNMENT

03:21:49 Adjournment

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT(juh57aad.pdf)

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 18, 2011 at 8:00 A.M., in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 324, 2/11/2011; SB 344, 2/11/2011; SB 347, 2/11/2011

Executive Action: SB 61, 121, 123, 308, 334, 344-Tabled, SB 324-Do Pass, SB 276-Do Pass, SB 347-Do Pass As Amended

HEARING ON SB 347

Opening Statement by Sponsor:

00:01:42 Sen. Bob Lake (R), SD 44, opened the hearing on SB 347, Revise the private property assessment act.

Proponents' Testimony:

00:06:21 Bill VanCanagan, Attorney, Montana Association of Realtors (MAR)

EXHIBIT(jus40a01)

EXHIBIT(jus40a02)

00:19:01 Chuck Denowh, United Property Owners of Montana (UPOM), also Montana Farm Bureau (MFB), Montana Contractors Association (MCA)

00:20:28 Carol Lambert, Women Involved in Farming Economics (WIFE)

00:21:10 Dustin Stewart, Montana Building Industry Association (MBIA)

Opponents' Testimony:

00:21:39 Kelly Casillas, Deputy Chief Legal Counsel, Administrator, Community Development Division, Department of Commerce (DOC), State of Montana

00:30:39 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ), State of Montana

EXHIBIT(jus40a03)

00:34:46 Bob Lane, Chief Legal Counsel, Fish, Wildlife, and Parks, (FWP) State of Montana

EXHIBIT(jus40a04)

00:38:25 Stan Frazer, Treasurer, Sportsmen for I-143 Initiative

00:41:51 Candace West, Chief Legal Counsel, Department Natural Resources and Conservation (DNRC), State of Montana

00:49:37 Tim Reardon, Chief Legal Counsel, Department of Transportation (DOT), State of Montana

00:52:26 Janet Ellis, Montana Audubon Society

00:53:16 James Paine, Public Service Commission (PSC), State of Montana

00:54:10 Derf Johnson, Montana Environmental Information Center (MEIC)

00:54:32 Jim Gingery, Executive Director, Montana Medical Growers Association (MMGA)

00:55:04 Gene Allison, Deputy Chief Legal Counsel, Division Business Standards, Department of Labor and Industry (DL&I), State of Montana

00:55:49 Brianna Randall, Clarkfork Coalition

00:56:14 Mark Aagenes, Montana Trout Unlimited (MTU)

00:56:30 George Golie, Montana Wildlife Federation (MWF)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:56:57 Sen. Jent
00:57:20 Sen. Lake
00:58:11 Sen. Jent
00:58:15 Mr. VanCanagan
01:05:26 Sen. Shockley
01:06:26 Mr. Reardon
01:11:30 Sen. Hinkle
01:12:15 Sen. Lake
01:14:36 Sen. Moss
01:15:18 Ms. Casillas
01:17:36 Sen. Shockley
01:18:21 Ms. West

Closing by Sponsor:

01:20:47 Sen. Lake
01:32:37 Recess

HEARING ON SB 344

Opening Statement by Sponsor:

01:39:19 Sen. Jason Priest (R), SD 30, opened the hearing on SB 344, Enacting the Montana Property Fairness Act.

Proponents' Testimony:

01:47:08 Bill VanCanagan, Attorney, MAR
02:02:16 Chuck Denowh, UPOM
EXHIBIT(jus40a05)
EXHIBIT(jus40a06)
EXHIBIT(jus40a07)
02:08:23 Dustin Stewart Executive Director, MBIA
02:09:20 John Bingham, self
EXHIBIT(jus40a08)
02:13:13 Carol Lambert, WIFE

Opponents' Testimony:

02:13:55 Kelly Casillas, Deputy Chief Legal Counsel, Administrator, Community Development Division, DOC
02:24:03 Gene Allison, Deputy Chief Legal Counsel, Division Business Standards, DL&I
02:31:36 Gordon Morris, Lewis and Clark County
02:32:12 George Golie, MWF
02:34:59 Ali Bovingdon, Assistant Attorney General, DOJ

02:36:12 James Paine, PSC
02:38:04 Tara DePuy, Attorney, Land Use, Montana Association of Counties (MACo)
02:42:26 Tim Reardon, Chief Legal Counsel, MDOT
02:49:57 Mark Aagenes, MTU
02:52:07 Alec Hansen, Montana League of Cities and Towns
02:55:10 Brianna Randall, Clarkfork Coalition
02:56:48 Bob Lane, Chief Legal Counsel, FWP

EXHIBIT(jus40a09)

02:59:47 Janet Ellis, Montana Audubon Society

EXHIBIT(jus40a10)

03:01:29 James Gingery, Montana Medical Growers Association
03:02:17 Linda Stoll, Montana Association of Planners, also for Missoula County,
Missoula, Montana

EXHIBIT(jus40a11)

03:03:52 Anne Hedges, MEIC
03:04:32 Candace West, Chief Legal Counsel, DNRC
03:06:03 Joseph Sands, Montana State Council of Professional Firefighters(MSCOPFF)
03:06:20 Jeff Barber, Montana Nature Conservancy
03:06:33 Stan Frazer, Treasurer, Sportsmen for I-143 Initiative

Informational Testimony:

None

Questions from Committee Members and Responses:

03:07:55 Sen. Moss
03:09:19 Ms. Casillas
03:11:05 Sen. Larsen
03:12:01 Sen. Priest
03:13:28 Sen. Blewett
03:14:01 Ms. West
03:15:25 Sen. Essmann
03:17:45 Mr. VanCanagan

03:22:07 Chairman Murphy

Closing by Sponsor:

03:22:36 Sen. Priest

HEARING ON SB 324

Opening Statement by Sponsor:

03:27:01 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 324, Revise consumer protection laws and settlement proceeds.

EXHIBIT(jus40a12)

(Sen. Essmann, Sen Peterson, and Sen. Vincent absent from the room)

Questions from Committee Members and Responses:

01:09:00 Sen. Blewett
01:10:11 Sen. Balyeat

Closing by Sponsor:

01:10:35 Sen. Balyeat

01:15:00 Chairman Murphy
01:15:15 Valencia Lane, Legislative Services Division, LSD
01:15:34 Sen. Larsen
01:16:08 Ms. Lane
01:16:21 Sen. Larsen
01:16:37 Chairman Murphy
01:16:50 Sen. Shockley
01:17:08 Sen. Larsen
01:17:14 Chairman Murphy

(Recess)

01:31:41 Chairman Murphy

EXECUTIVE ACTION ON HB 544

(Sen. Vincent now absent from the room)

01:32:47 **Motion/Vote:** Sen. Hinkle moved that **HB 544 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 548

01:33:57 **Motion:** Sen. Hinkle moved that **HB 548 BE CONCURRED IN**.

Discussion:

01:34:13 Ms. Lane

01:34:25 **Motion/Vote:** Sen. Hinkle moved that **HB 548 BE AMENDED**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXHIBIT(jus64a04)

00:27:47 Sen. Jent
00:28:40 Mr. Kropp,
00:29:10 Sen. Larsen
00:29:55 Mr. Cook

Closing by Sponsor:

00:32:44 Sen. Shockley

HEARING ON SB 24

Opening Statement by Sponsor:

00:33:48 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 24, Revise involuntary commitment of alcoholics.

Proponents' Testimony:

00:36:08 Donald Harr, retired psychiatrist, American Foundation for Suicide Prevention/Montana Chapter

Opponents' Testimony:

None

Informational Testimony:

00:40:35 Larry Epstein, MCCA, Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:42:08 Sen. Shockley

(Without objection, Chairman Murphy allowed Sen. Shockley to present both bills at the same time due to their similarities. Persons testifying will indicate which or both bills they are supporting or opposing)

HEARING ON SB 40, HEARING ON SB 42

Opening Statement by Sponsor:

00:43:37 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 40, Statewide on-call judge for search warrants.

Sen. Jim Shockley (R), SD 45, opened the hearing on SB 42, Authorize warrants to obtain blood or breath test in DUI cases

Proponents' Testimony:

00:53:04 Mark Murphy, MCCA, MCPA, MPPA (both bills)
01:01:14 Scott Twito, Yellowstone County Attorney (SB 42)
01:04:37 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ) (SB 42)
01:07:57 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD) (SB 42)
01:13:39 Dave Carter, Senior Deputy County Attorney, Yellowstone County (SB 42)
01:16:31 Kris Minard, self (both bills)
01:17:55 Nikki Zupanic, American Civil Liberties Union (ACLU) (SB 42; not in support of Sen. Shockley's proposed amendment however)
01:22:19 Jessie Luther, Association of Montana Troopers (both bills)

Opponents' Testimony:

01:23:15 Larry Carver, Justice of the Peace, Judith Basin County, Montana Magistrates Association (SB 40)

EXHIBIT(jus15a07)

01:33:57 Harold Blattie, Executive Director, Montana Association of Counties (MACo) (SB 40)

EXHIBIT(jus15a08)

01:38:52 Mary Phippen, Montana Association of Clerks of District Court (SB 40)
01:40:20 Elena Gagliano, self (both bills)
01:44:00 Sen. Augare
01:44:21 Ms. Gagliano

Informational Testimony:

None

Questions from Committee Members and Responses:

01:45:15 Sen. Blewett
01:46:07 Mr. Carver
01:47:25 Sen. Blewett
01:47:51 Ms. Bovingdon

Closing by Sponsor:

01:48:42 Sen. Shockley

Comments:

01:52:33 Sen Shockley

(Sen. Peterson and Sen. Vincent absent from the room)

EXECUTIVE ACTION ON SB 39

01:53:44 **Motion/Vote:** Sen. Shockley moved that **SB 39 DO PASS**. Motion carried unanimously by roll call vote. Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 24

01:56:11 **Motion/Vote:** Sen. Shockley moved that **SB 24 DO PASS**. Motion carried 10-1 by roll call vote with Sen. Hinkle voting no. Sen. Peterson and Sen. Vincent voted by proxy.

Exhibit Distributed To Committee Members at the Conclusion of Hearing RE: SB 39

EXHIBIT(jus15a09)

ADJOURNMENT

Adjournment: 10:58 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus15aad.pdf](#))

MINUTES

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chair Jim Shockley, on January 10, 2011 at 9:07 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Chair (R)
Sen. Terry Murphy, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Larry Jent (D)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 19, 1/3/2011; SB 21, 1/3/2011; SB 26, 1/3/2011; SB 41,
1/3/2011; SB 72, 1/3/2011

Executive Action: SB 41- Do Pass, SB 19-Do Pass As Amended, SB 21-Do Pass As
Amended, SB 26-Do Pass, SB 72-Do Pass As Amended

HEARING ON SB 26

Opening Statement by Sponsor:

00:00:33 Sen. Anders Blewett (D), SD 11, opened the hearing on SB 26, Require notice that violation of temporary order of protection is criminal.

EXHIBIT(jus07a01)

Proponents' Testimony:

00:03:13 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:04:35 Sen. Blewett

HEARING ON SB 72

Opening Statement by Sponsor:

00:05:15 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 72, Revise contracting authority for community corrections programs.

Proponents' Testimony:

00:07:23 Rhonda Schaffer, Administrator, Administrative Division, Montana Department of Corrections (DOC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:09:42 Sen. Gillan

(Chairman Shockley pass the Chairman's duties to Vice Chair Murphy)

HEARING ON SB 41

Opening Statement by Sponsor:

00:10:20 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 41, Allow cities to establish courts of record.

Proponents' Testimony:

00:14:40 Dave Nielsen, City Attorney, City of Helena

00:17:00 Mark Murphy, Montana Association of Chiefs of Police, Montana Police Protective Association

00:20:45 Becky Sturdevant, Montana Common Sense Coalition, Mothers Against Drunk Driving (MADD)

EXHIBIT(jus07a02)

00:21:20 Jim Smith, Montana Sheriffs and Peace Officers Association

00:22:31 Mary Phippen, Montana Magistrates Association

00:22:55 Ali Bovingdon, Assistant Attorney General, Department of Justice

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:24:25 Sen. Shockley

HEARING ON SB 19

Opening Statement by Sponsor:

00:25:11 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 19, Provide for filing of affidavits of death in non-probate real property transfers.

Proponents' Testimony:

00:29:03 Linda Stoll, Montana Association of County Clerks and Recorders

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:30:37 Sen. Moss
00:31:24 Sen. Shockley

Closing by Sponsor:

00:32:17 Sen. Shockley

HEARING ON SB 21

Opening Statement by Sponsor:

00:32:38 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 21, Court dismissal of case with no action.

Proponents' Testimony:

00:34:40 John Larson, District Judge, Missoula County

Opponents' Testimony:

None

Informational Testimony:

00:37:36 Mary Phippen, Montana Association of Clerks of District Court

Questions from Committee Members and Responses:

00:38:02 Sen., Moss
00:38:38 Ms. Phippen
00:38:56 Sen. Blewett
00:39:35 Sen. Shockley

Closing by Sponsor:

00:40:47 Sen. Shockley

(Sen. Peterson absent from the room)

(Chairman Shockley resumes the Chairman's duties)

EXECUTIVE ACTION ON SB 41

01:01:00 **Motion/Vote:** Sen. Murphy moved that **SB 41 DO PASS**. Motion carried unanimously by roll call vote. Sen. Jent and Sen. Peterson voted by proxy.

01:01:21 Sen. Augare

EXECUTIVE ACTION ON SB 19

01:02:47 **Motion:** Sen. Shockley moved that **SB 19 DO PASS**.

01:02:59 **Motion/Vote:** Sen. Shockley moved that **SB 19 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Jent and Sen. Peterson voted by proxy.

EXHIBIT(jus07a03)

01:04:17 **Motion/Vote:** Sen. Shockley moved that **SB 19 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. Jent and Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 21

01:05:13 **Motion:** Sen. Shockley moved that **SB 21 DO PASS**.

01:05:20 **Motion/Vote:** Sen. Shockley moved that **SB 21 BE AMENDED WITH A CONCEPTUAL AMENDMENT, PAGE 1, LINE 12** . Motion carried unanimously by roll call vote. Sen. Jent and Sen. Murphy voted by proxy.

EXHIBIT(jus07a04)

01:07:15 **Motion:** Sen. Shockley moved that **SB 21 DO PASS AS AMENDED**.

Discussion:

01:07:28 Sen. Blewett
01:07:56 Sen. Shockley

01:08:43 **Vote:** Motion carried unanimously by roll call vote. Sen. Jent and Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 26

01:09:25 **Motion/Vote:** Sen. Blewett moved that **SB 26 DO PASS**. Motion carried unanimously by voice vote. Sen. Jent and Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 72

01:09:55 **Motion/Vote:** Sen. Moss moved that **SB 72 DO PASS**. Motion carried unanimously by voice vote. Sen. Jent and Sen. Peterson voted by proxy.

ADJOURNMENT

Adjournment: 10:12 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT(jus07aad.pdf)

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 25, 2011 at 8:00 A.M., in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Chas Vincent (R)

Members Excused: Sen. Jim Peterson (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 423, 3/23/2011

HEARING ON SB 423

Opening Statement by Sponsor:

00:02:39 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 423, Generally revise laws relating to use of marijuana.

EXHIBIT(jus67a01)

Proponents' Testimony:

00:38:26 Rep. Diane Sands, HD 95, Missoula, Montana, also, Chairman, Interim Committee on Children and Family Health Services
00:44:48 Lewis Smith, Powell County Attorney, Deer Lodge, Montana
00:46:22 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)
00:47:11 Candace Payne, Rimrock Foundation, Billings, Montana
00:50:31 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
00:55:42 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police (MCOP), Montana Police Protective Association (MPPA)
00:59:19 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ), State of Montana
01:02:38 Rep. Trudi Schmidt, HD 22, Great Falls, Montana, also, member, Interim Committee on Child and Family Services
01:03:58 Erin MacLean, Montana Medical Association (MMA)
01:09:35 Mike Foster, Catholic Hospitals of Montana
01:10:26 Aimee Gromljev, Billings Clinic, Billings, Montana
01:12:07 Pat Keim, Columbia Grain Incorporated
01:14:02 Mark Long, Montana Narcotics Officers Association (MNOA)
01:14:45 Jon Bennion, Montana Chamber of Commerce (MCC)
01:18:02 Bob Faw, self, Big Timber, Montana
01:20:39 Tom Daubert, Patients and Families United (PFU)
01:22:30 Sen. Vincent
01:22:39 Mr. Daubert

EXHIBIT(jus67a02)

01:24:41 William Hund, Happy Farmers Caregivers, Butte, Montana
01:26:31 Jock Williams, Anaconda, Montana

EXHIBIT(jus67a03)

Opponents' Testimony:

01:30:52 Tayln Lang, self
01:37:42 Bill Gallagher, Chairman, Public Service Commission (PSC), State of Montana
EXHIBIT(jus67a04)
01:44:16 Kate Cholewa, Alliance for Cannabis Science
01:48:16 Susan Smith, Safe Communities Safe Kids, Billings, Montana
01:53:09 Laura Needham, Co-chair, Safe Communities Safe Kids, Billings, Montana
01:55:17 Barbi McLaws, Safe Communities Safe Kids, Billings, Montana
01:57:01 Barb Trego, self
01:59:29 Tawnya LaFond, The Patch Caregivers
02:00:36 Travis Greene, Lionheart Caregivers, Butte, Montana

02:02:53 Brendan McQuillan, Attorney
02:08:19 John Masterson, Director, Montana Chapter, National Organization for the Reform of Marijuana Laws (NORML)
02:10:47 Chairman Murphy
02:10:51 Mr. Masterson
02:12:47 Misty Kerry, Mary Jane's Kitchen, Bozeman, Montana
02:17:24 Rose Habib, CannabAnalysis Laboratory, Missoula, Montana
02:20:31 John Schnabel, Butte, Montana
02:23:23 Cherrie Brady, Billings, Montana
02:28:05 Sandi Lane, self, caregiver, Plains, Montana
02:30:42 James Kingery, Executive Director, Montana Medical Growers Association (MMGA)
02:38:44 Brendan Olsen, self
02:40:28 David Max, caregiver, Missoula, Montana
02:47:02 Anthony Smith, self, Gallatin County
02:49:50 Bo Stuart, Pastor, Covenant Community Church, Whitehall, Montana
02:51:58 Jeff Laszloffy, Montana Family Foundation (MFF)
02:53:40 Jenna Wilkins, Green Heart Caregivers, Missoula, Montana

Informational Testimony:

02:56:46 Carole Erickson, Montana Board of Medical Examiners
EXHIBIT(jus67a05)

Questions from Committee Members and Responses:

02:58:26 Sen. Jent
02:59:07 Sen. Essmann
02:59:54 Sen. Shockley
03:01:03 Ms. Brady
03:02:50 Sen. Shockley
03:03:05 Mr. Murphy
03:05:00 Sen. Shockley
03:05:32 Mr. McQuillan
03:08:25 Sen. Moss
03:09:16 Sen. Essmann
03:12:56 Sen. Hinkle
03:13:30 Sen. Essmann
03:14:44 Sen. Hinkle
03:15:02 Mr. Gallagher
03:15:41 Sen. Blewett
03:16:30 Mr. Gallagher
03:16:47 Jim Paine, Attorney, PSC
03:19:56 Valencia Lane, Legislative Services Division (LSD)
03:20:40 Sen. Blewett
03:21:00 Mr. Paine
03:22:12 Sen. Larsen
03:22:52 Mr. Paine
03:23:20 Sen. Larsen
03:23:54 Sen. Essmann

03:28:31 Sen. Murphy
03:29:29 Brad Molnar, Commissioner, PSC

Closing by Sponsor:

03:32:52 Sen. Essmann

EXHIBIT(jus67a06)

Letter from Gail Gutsche, Commissioner, PSC in opposition to SB 423

ADJOURNMENT

Adjournment: 11:39 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT(jus67aad.pdf)

MINUTES

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chair Jim Shockley, on January 11, 2011 at 9:00 AM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Chair (R)
Sen. Terry Murphy, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)

Members Excused: None

Members Absent: Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 50, 1/6/2011; SB 57, 1/6/2011; SB 58, 1/6/2011; SB 67, 1/6/2011

Executive Action: SB 50-Do Pass-Withdrawn Motion, SB 57-Do Pass

HEARING ON SB 50

Opening Statement by Sponsor:

00:06:31 Sen. Steven Gallus (D), SD 37, opened the hearing on SB 50, Eliminate jail time for certain misdemeanor offenses.

Proponents' Testimony:

00:01:56 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)
00:05:55 Sherry Stadler, Regional Defender, Office of Public Defender

Opponents' Testimony:

00:07:38 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:12:40 Sen. Blewett
00:13:15 Sen. Gallus
00:13:36 Mr. Murphy
00:16:34 Sen. Larsen
00:16:46 Mr. Murphy
00:19:18 Sen. Jent
00:20:16 Mr. Murphy
00:23:25 Sen. Blewett
00:23:47 Mr. Murphy
00:26:50 Sen. Hinkle
00:28:10 Mr. Murphy
00:28:57 Sen. Shockley
00:29:10 Mr. Murphy
00:30:48 Sen. Shockley
00:31:34 Larry Epstein, MCAA, MCPA, MPPA

Closing by Sponsor:

00:32:19 Sen. Gallus

HEARING ON SB 57

Opening Statement by Sponsor:

00:34:05 Sen. Gene Vuckovich (D), SD 43, opened the hearing on SB 57, Enhance penalty for consumer protection violations.

Proponents' Testimony:

00:39:55 _____ Russ Whitcomb, Helena Police Department
00:41:00 Kelly Hubbard, Assistant Attorney General, Consumer Protection Division, Department of Justice (DOJ)

EXHIBIT(jus08a01)

00:44:49 Rev. Gary Reller, Catholic Priest, Diocese of Helena
00:50:50 Joy Bruck, State President, American Association of Retired Persons/Montana (AARP/MT)

EXHIBIT(jus08a02)

00:52:00 Flint Murfitt, Montana Legal Services, Consumer Protection Division

Opponents' Testimony:

00:53:21 Bruce Spencer, Montana Automobile Dealers Association (MADA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:57:54 Sen. Larsen
00:58:32 Ms. Hubbard
01:00:00 Sen. Hinkle
01:00:53 Ms. Hubbard
01:02:00 Sen. Moss
01:02:41 Ms. Hubbard
01:04:53 Sen. Murphy
01:05:31 Ali Bovingdon, Assistant Attorney General, DOJ
01:06:53 Sen. Shockley
01:07:08 Ms. Bovingdon
01:07:23 Sen. Augare
01:07:43 Ms. Hubbard
01:08:06 Sen. Blewett
01:08:26 Mr. Spencer, MADA
01:09:59 Sen. Blewett
01:10:05 Sen. Shockley

Closing by Sponsor:

01:10:14 Sen. Vuckovich

HEARING ON SB 58

Opening Statement by Sponsor:

01:11:12 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 58, Lengthen time DNA evidence must be preserved in certain cases.

Proponents' Testimony:

01:13:44 Jessie McQuillan, Montana Innocence Project

EXHIBIT(jus08a03)

01:20:03 Ron Waterman, Attorney

01:23:32 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

01:25:51 Sen. Larry Jent

01:27:49 Nikki Zupanic, American Civil Liberties Union (ACLU)

Opponents' Testimony:

01:29:06 Sheryl Wood, Assistant Director, Montana Association of Counties (MACo)

Informational Testimony:

01:43:52 Mark Murphy, Montana County Attorneys Association (MCAO), Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)

01:49:47 Ali Bovingdon, Assistant Attorney General, DOJ, also for Montana Crime Lab

Questions from Committee Members and Responses:

01:51:50 Sen. Shockley

01:54:07 Ms. Wood

Closing by Sponsor:

01:55:24 Sen. Moss

HEARING ON SB 67

Opening Statement by Sponsor:

01:56:59 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 67, Temporarily suspend juvenile delinquency intervention program annual evaluation.

Proponents' Testimony:

01:58:52 Lois Menzies, Court Administrator, Montana Supreme Court

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

02:00:24 Sen. Shockley

(Committee in Recess)

02:12:30 Sen. Shockley

02:13:27 Sen. Augare

02:14:45 Sen. Shockley

02:16:45 Sen. Moss

02:17:12 Sen. Shockley

EXECUTIVE ACTION ON SB 50

(Sen Hutton, Sen. Peterson and Sen. Vincent absent from room)

02:18:11 **Motion:** Sen. Moss moved that **SB 50 DO PASS.**

02:18:16 **Motion:** Sen. Blewett moved that **SB 50 BE AMENDED WITH A CONCEPTUAL AMENDMENT REMOVING SECTIONS 9 AND 10 PAGE 8, LINE 24 THROUGH PAGE 10, LINE 24.**

DISCUSSION:

02:20:25 Sen. Shockley

02:20:44 Sen. Jent

02:22:48 Sen. Shockley

02:23:49 **Vote:** Motion failed 5-6 by roll call vote with Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Moss and Sen. Shockley voting aye. Sen. Hutton, Sen. Peterson and Sen. Vincent voted by proxy.

Discussion:

02:25:18 Sen. Augare

02:26:06 Sen. Blewett

02:26:52 Sen. Shockley

02:28:25 Sen. Jent

02:29:31 Sen. Larsen

02:30:18 Sen. Moss

02:30:59 Sen. Hinkle

02:31:36 Sen. Murphy

02:32:04 Chairman Shockley deferred further action on **SB 50**.

02:32:28 Sen. Moss withdrew motion that **SB DO PASS**.

EXECUTIVE ACTION ON SB 57

02:32:43 **Motion:** Sen. Moss moved that **SB 57 DO PASS**.

Discussion:

02:32:55 Sen. Larsen

02:33:41 Sen. Murphy

02:34:05 Sen. Jent

02:35:32 Sen. Shockley

02:36:19 **Vote:** Motion carried unanimously by voice vote. Sen. Hutton, Sen. Peterson and Sen. Vincent voted by proxy.

Committee Discussion:

02:37:20 Sen. Shockley

02:37:55 Sen. Moss

02:38:15 Sen. Shockley

02:38:25 Sen. Moss

ADJOURNMENT

Adjournment: 9:45AM

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT(jus08aad.pdf)

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Jim Shockley, on January 12, 2011 at 9:00 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Chair (R)
Sen. Terry Murphy, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 60, 1/6/2011; SB 106, 1/6/2011
SB 50-Tabled

HEARING ON SB 60

Opening Statement by Sponsor:

00:00:35 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 60, Amend security credit freeze law to protect minors & incapacitated persons.

EXHIBIT(jus09a01)

Proponents' Testimony:

00:01:59 Kelly Hubbard, Assistant Attorney General, Consumer Protection Division,
Department of Justice

EXHIBIT(jus09a02)

EXHIBIT(jus09a03)

00:04:33 Bruce Spencer, Montana Automobile Dealers Association (MADA)

00:05:54 Clyde Dailey, Montana Credit Union Network

00:07:13 Claudia Clifford, Advocacy Director, American Association of Retired
Persons/Montana (AARP/MT)

Opponents' Testimony:

None

Informational Testimony:

00:08:16 Jesse Luther, Consumer Data Industry Association

Questions from Committee Members and Responses:

00:09:18 Sen. Shockley

00:09:31 Mr. Dailey

Closing by Sponsor:

00:10:11 Sen. Gillam

HEARING ON SB 106

Opening Statement by Sponsor:

00:10:50 Sen. Jason Priest (R), SD 30, opened the hearing on SB 106, Compel participation in lawsuit on health care reform.

00:12:49 Sen. Blewett
00:13:08 Sen. Shockley
00:13:27 Sen. Priest

Proponents' Testimony:

00:17:39____ Sen. Art Wittich, SD 35
EXHIBIT(jus09a04)
00:21:17____ Riley Johnson, National Federation of Independent Business (NFIB)
EXHIBIT(jus09a05)
00:23:32 Gregg Trude, Montana Right to Life
00:24:35____ Jim Ravndal, Lewis and Clark County Tea Party

Opponents' Testimony:

00:25:52 Andrew Johnstone, State Solicitor, Office of the Attorney General, Department of Justice
EXHIBIT(jus09a06)
00:31:07 Ray Johnson, self
EXHIBIT(jus09a07)
00:33:33 Keith Allen, self, Trustee for a State Employee Health Insurance Plan
00:36:38 George Marin, self
00:39:00 Jan Siemers, self
00:39:52 Kate Whitney, self
00:42:16 Anita Roessmann, Disability Rights of Montana
00:43:47 Jim Aherns, American Cancer Society
00:45:42 Molly Moody Montana Organizing Project
EXHIBIT(jus09a08)
00:48:12 Mary Kay Craig, self
00:50:28 Melody Rice, Licensed Clinical Practitioner, Butte
00:51:55 Charlotte Trolinger, self
00:53:04 Amanda Harrow, Montana Small Business Alliance
EXHIBIT(jus09a09)
EXHIBIT(jus09a10)
00:55:10 Tom Stearns, self

Informational Testimony:

00:56:15 Dr. Carter Beck, Neurosurgeon, Missoula, MT
EXHIBIT(jus09a11)
EXHIBIT(jus09a12)
01:01:10 Sen. Augare
01:01:21 Sen. Shockley (ruled Dr. Beck as a Proponent for SB 106)
01:01:40 Dr. Beck
01:02:41 Sen. Shockley
01:02:46 Dr. Beck

01:03:38 Sen. Shockley

Questions from Committee Members and Responses:

01:04:42 Sen. Vincent
01:05:17 Sen. Priest
01:07:26 Sen. Vincent
01:07:49 Dr. Beck
01:09:03 Sen. Hinkle
01:09:32 Sen. Priest
01:11:02 Sen. Larson
EXHIBIT(jus09a13)
01:11:40 Sen. Priest
01:12:54 Sen. Hutton
01:13:47 Sen. Priest
01:14:55 Sen. Augare
01:16:12 Sen. Priest
01:18:38 Sen. Jent
01:19:18 Sen. Priest
01:25:31 Sen. Moss
01:26:54 Sen. Priest
01:27:28 Sen. Shockley
01:28:06 Mr. Johnstone

Closing by Sponsor:

01:33:36 Sen. Priest
EXHIBIT(jus09a14)
EXHIBIT(jus09a15)
EXHIBIT(jus09a16)

EXECUTIVE ACTION ON SB 50

(Sen. Blewett, Sen. Vincent, and Sen. Peterson absent from the room)

01:48:58 Sen. Shockley

01:50:02 **Motion:** Sen. Moss moved that **SB 50 DO PASS.**

Discussion:

01:50:31 Sen. Jent

01:52:11 Sen. Moss

01:52:27 Sen. Jent

01:54:00 Sen. Shockley

01:54:25 Sen. Augare

01:56:20 **Vote:** Motion failed unanimously by roll call vote. Sen. Blewett, Sen. Peterson and Sen. Vincent voted by proxy.

01:57:18 **Motion/Vote:** Sen. Murphy moved that **SB 50 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Peterson and Sen. Vincent voted by proxy.

ADJOURNMENT

Adjournment: 10:59 AM

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT(jus09aad.pdf)

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Jim Shockley, on January 13, 2011 at 9:00 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Chair (R)
Sen. Terry Murphy, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: Sen. Jim Peterson (R)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee 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: SB 36, 1/6/2011; SB 68, 1/6/2011; SB 76, 1/6/2011

Executive Action: SB 36-Do Pass As Amended, SB 60-Do Pass As Amended

HEARING ON SB 36

Opening Statement by Sponsor:

00:00:15 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 36, Revise court costs and attorney fees in water cases.

EXHIBIT(jus10a01)

Proponents' Testimony:

00:02:22 Mike Murphy, Montana Water Resources Association

00:03:42 Don MacIntyre self

00:05:00 Krista Lee Evans, Senior Water Rights Coalition, Association of Gallatin
Agriculture Irrigators

00:05:25 Jay Bodner, Montana Stockgrowers Association

00:05:57 Ann Yates, Department of Natural Resources and Conservation, State of
Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:06:37 Sen. Hamlett

HEARING ON SB 68

Opening Statement by Sponsor:

00:07:14 Sen. Larry Jent (D), SD 32, opened the hearing on SB 68, Clarify duty of driver in accident to remain at the scene.

Proponents' Testimony:

00:10:44 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ)

00:12:30 Ole Olson, Criminal Prosecutor, Assistant Attorney General, DOJ

EXHIBIT(jus10a02)

00:15:54 David Carter, Senior Deputy County Attorney, Yellowstone County

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:18:50 Sen. Moss

00:19:12 Sen. Jent

00:19:29 Ali Bovingdon

00:20:14 Sen. Hinkle

00:20:51 Sen. Jent

00:22:50 Sen. Shockley

00:24:07 Ms. Bovingdon

00:25:06 Mr. Carter

00:26:19 Sen. Shockley

00:26:45 Mr. Carter

Closing by Sponsor:

00:28:00 Sen. Jent

EXHIBIT(jus10a03)

HEARING ON SB 76

Opening Statement by Sponsor:

00:31:05 Sen. Larry Jent (D), SD 32, opened the hearing on SB 76, Provide parole for those sentenced to custody of DPHHS and in state facility.

Proponents' Testimony:

00:36:00 Debbie Matteuci, Behavioral Health Program Facilitator, Departments of Correction and Department of Public Health and Humn Services Liason

00:40:24 Matt Kuntz, Executive Director, National Alliance for the Mentally Ill/Montana (NAMI/MT)

EXHIBIT(jus10a04)

00:43:00 Dr. Bowman Stockwell, forensic psychologist (this witness did not sign in and the recording was also unclear, therefore the name may be incorrect)

00:43:26 John Wilkinson, self

EXHIBIT(jus10a05)

Opponents' Testimony:

None

Informational Testimony:

00:46:29 Mark Murphy, Montana County Attorneys Association, Montana Chiefs of Police, Montana Police Protective Association

00:52:00 Sen. Shockley

Questions from Committee Members and Responses:

00:52:29 Sen. Shockley

00:53:04 Ms. Matteuci

Closing by Sponsor:

00:55:18 Sen. Jent

EXECUTIVE ACTION ON SB 36

(Sen. Jent, Sen. Vincent, and Sen. Peterson absent from the room)

01:16:35 **Motion:** Sen. Murphy moved that **SB 36 DO PASS.**

01:16:49 **Motion:** Sen. Murphy moved that **SB 36 BE AMENDED.**
EXHIBIT(jus10a06)

01:17:11 **Vote:** Motion carried unanimously by voice vote. Sen. Jent, Sen. Peterson and
Sen. Vincent voted by proxy.

01:17:42 **Motion/Vote:** Sen. Murphy moved that **SB 36 DO PASS AS AMENDED.** Motion
carried unanimously by voice vote. Sen. Jent, Sen. Peterson and Sen. Vincent
voted by proxy.

EXECUTIVE ACTION ON SB 60

01:18:55 Valencia Lane, Legislative Services Division (LSD)

01:20:25 **Motion:** Sen. Shockley moved that **SB 60 DO PASS.**

01:20:53 **Motion:** Sen. Shockley moved that **SB 60 BE AMENDED.**
EXHIBIT(jus10a07)

Discussion:

01:21:21 Sen. Shockley

01:22:37 **Vote:** Motion carried unanimously by voice vote. Sen. Jent, Sen. Peterson and
Sen. Vincent voted by proxy.

01:23:02 **Motion/Vote:** Sen. Shockley moved that **SB 60 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote. Sen. Jent, Sen. Peterson and Sen.
Vincent voted by proxy.

(Sen. Jent entered room)

EXECUTIVE ACTION ON SB 68

01:24:39 **Motion:** Sen. Jent moved that **SB 68 DO PASS.**

01:24:56 **Motion:** Sen. Jent moved that **SB 68 BE AMENDED.**
EXHIBIT(jus10a08)

Discussion:

01:25:18 Sen. Jent

01:27:57 **Motion/Vote:** Sen. Jent moved that **SB 68 BE AMENDED.** Motion carried
unanimously by voice vote. Sen. Peterson and Sen. Vincent voted by proxy.

01:28:22 **Motion:** Sen. Murphy moved that **SB 68 DO PASS AS AMENDED.**

01:29:13 Sen. Murphy **WITHDREW THE MOTION FOR SB 68.**

ADJOURNMENT

Adjournment: 10:35 P.M.

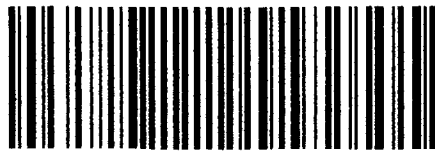
Pam Schindler, Secretary

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Additional Documents:

EXHIBIT(jus10aad.pdf)

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