

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 14, 2011 at 10:00 A.M., in Room 405 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. 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 262, 2/7/2011

Executive Action: SB 42-Do Pass As Amended, SB 97-Do Pass, SB 268-Do Pass

HEARING ON SB 262

Opening Statement by Sponsor:

00:00:18 Sen. Anders Blewett (D), SD 11, opened the hearing on SB 262, Generally revise elder abuse law.

[EXHIBIT\(jus36a01\)](#)

[EXHIBIT\(jus36a02\)](#)

[EXHIBIT\(jus36a03\)](#)

Proponents' Testimony:

00:05:22 Joy Bruck, State President, American Association of Retired Person/Montana (AARP/MT) also for Beth Brennemen, Disability Rights Montana (DRMT)

[EXHIBIT\(jus36a04\)](#)

00:07:12 Kelly Williams, Director, Senior and Long Term Care, Department of Public Health and Human Services (DPHHS)

Opponents' Testimony:

00:08:23 Rose Hughes, Executive Director, Montana Healthcare Association

[EXHIBIT\(jus36a05\)](#)

00:13:01 Casey Blumenthal, Montana Hospital Association (MHA)

Informational Testimony:

00:14:44 Bruce Spencer, Montana Auto Dealers Association (MADA)

00:15:50 Rick Bartos, Chief, Adult Protective Services, DPHHS

Questions from Committee Members and Responses:

00:16:19 Sen. Essmann

00:17:56 Sen. Blewett

00:19:57 Sen. Vincent

00:20:19 Ms. Blumenthal

00:20:44 Sen. Vincent

00:20:57 Ms. Hughes

Closing by Sponsor:

00:21:29 Sen. Blewett

(Sen. Peterson absent from the room)

EXECUTIVE ACTION ON SB 42

- 00:24:04 **Motion:** Sen. Shockley moved that **SB 42 DO PASS AS AMENDED.**
(Amendment was adopted in previous Executive Action 2/1/11)
- 00:24:44 **Motion:** Sen. Shockley moved that **AMENDMENT FOR SB 42 ADOPTED IN PREVIOUS EXECUTIVE ACTION BE REMOVED.**
- 00:25:49 **Vote:** Motion carried unanimously by roll call vote. Sen. Jent and Sen. Peterson voted by proxy.
- 00:25:57 **Motion:** Sen. Shockley moved that **SB 42 DO PASS.**
- 00:26:19 **Motion:** Sen. Shockley moved that **SB 42 BE AMENDED.**
[EXHIBIT\(jus36a06\)](#)

Discussion:

- 00:27:52 Sen. Essmann
- 00:28:41 Sen. Shockley
- 00:29:07 Mark Murphy, former Prosecutor, Yellowstone County
- 00:29:59 Sen. Essmann
- 00:30:56 Chairman Murphy
- 00:31:14 Sen. Shockley
- 00:31:17 Sen. Blewett
- 00:32:00 Chairman Murphy
- 00:33:26 Sen. Shockley
- 00:34:10 Sen. Larsen
- 00:34:37 Sen. Shockley
- 00:35:01 **Vote:** Motion carried unanimously by roll call vote. Sen. Jent and Sen. Peterson voted by proxy.
- 00:35:34 **Motion/Vote:** Sen. Shockley moved that **SB 42 DO PASS AS AMENDED.**
Motion carried 9-3 by roll call vote with Sen. Hinkle, Sen. Murphy and Sen. Vincent voting no. Sen. Jent and Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 97

- 00:37:26 **Motion:** Sen. Shockley moved that **SB 97 DO PASS.**
- 00:37:36 **Motion:** Sen. Shockley moved that **SB 97 BE AMENDED.**
[EXHIBIT\(jus36a07\)](#)

Discussion:

00:38:15 Valencia Lane, Legislative Services Division (LSD)
00:39:46 Sen. Shockley
00:41:56 Sen. Murphy
00:41:59 Sen. Shockley
00:42:05 Sen. Larsen
00:42:57 Sen. Blewett
00:44:00 Sen. Hinkle
00:44:43 Sen. Essmann

00:45:00 **Vote:** Motion failed 6-6 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy, Sen. Peterson, Sen. Shockley and Sen. Vincent voting aye. Sen. Jent and Sen. Peterson voted by proxy.

00:46:03 Sen. Augare

00:49:10 **Motion:** Sen. Shockley moved that **SB 97 DO PASS.**

Discussion:

00:50:12 Sen. Moss
00:51:41 Sen. Hinkle
00:51:56 Sen. Shockley

00:52:22 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Jent and Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 169

00:53:45 **Motion:** Sen. Hinkle moved that **SB 169 DO PASS.**

00:53:51 **Motion:** Sen. Hinkle moved that **SB 169 BE AMENDED.**
[EXHIBIT\(jus36a08\)](#)

Discussion:

00:55:14 Sen. Blewett

00:56:01 **Vote:** Motion carried unanimously by roll call vote. Sen. Jent and Sen. Peterson voted by proxy.

00:56:45 **Motion:** Sen. Moss moved that **SB 169 BE AMENDED.**
[EXHIBIT\(jus36a09\)](#)

Discussion:

00:58:13 Sen. Hinkle
00:58:58 Sen. Blewett
00:59:15 Sen. Hinkle

00:59:31 **Vote:** Motion failed 5-7 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Jent and Sen. Peterson voted by proxy.

01:00:37 **Motion:** Sen. Shockley moved that **SB 169 BE CONCEPTUALLY AMENDED, PAGE 29, LINE 2-STRIKE ALL AFTER 2ND WORD "SUICIDE"**.

DISCUSSION:

01:01:51 Sen. Hinkle
01:02:01 Sen. Essmann
01:02:54 Sen. Blewett
01:03:09 Sen. Shockley
01:04:41 Sen. Moss

01:05:02 **Vote:** Motion carried 11-1 by roll call vote with Sen. Augare voting no. Sen. Jent and Sen. Peterson voted by proxy.

01:05:51 **Motion:** Sen. Shockley moved that **SB 169 DO PASS AS AMENDED**.

Discussion:

01:06:21 Sen. Moss
01:06:53 Sen. Hinkle
01:07:35 Sen. Blewett
01:08:32 Chairman Murphy
01:08:39 Ms. Lane
01:08:57 Chairman Murphy
01:09:09 Sen. Hinkle
01:09:16 Sen. Augare
01:10:13 Sen. Hinkle

01:10:34 Sen. Shockley **WITHDREW MOTION FOR SB 169 DO PASS AS AMENDED**.

Discussion:

01:10:43 Chairman Murphy
01:11:33 Sen. Essmann
01:11:37 Sen. Shockley
01:11:52 Chairman Murphy
01:12:19 Sen. Blewett

11:15 A.M. Recess
11:30 A.M. Committee Resumes

01:27:09 Sen. Augare
01:27:34 Sen. Murphy
01:28:04 Sen. Hinkle
01:28:40 Sen. Blewett
01:28:57 Ms. Lane
01:30:34 Sen. Blewett
01:32:59 Chairman Murphy
01:33:41 Sen. Blewett
01:34:42 Sen. Hinkle
01:35:41 Sen. Essmann
01:37:41 Sen. Hinkle
01:38:24 Sen. Essmann
01:38:31 Sen. Hinkle

EXECUTIVE ACTION ON SB 268

01:39:55 Sen. Blewett
01:40:16 Sen. Shockley

01:40:25 **Motion:** Sen. Hinkle moved that **SB 268 DO PASS.**

01:40:35 **Motion:** Sen. Blewett moved that **SB 268 BE AMENDED WITH A CONCEPTUAL AMENDMENT PAGE 3, LINE 19 "....SPECIAL ELECTION/PRIMARY IN THE SPRING 2012...", INSERT "...GENERAL ELECTION IN NOVEMBER 2012...."**

DISCUSSION:

01:43:16 Sen. Lane
01:44:36 Sen. Murphy
01:45:16 Sen. Augare
01:45:51 Sen. Lane
01:47:37 Sen. Essmann
01:49:55 Sen. Blewett
01:50:48 Sen. Lane
01:53:24 Ms. Lane

01:54:05 **Vote:** Motion failed 5-7 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Jent and Sen. Peterson voted by proxy.

01:54:55 Sen. Moss
01:56:03 Sen. Blewett
01:58:38 Sen. Essmann

(Sen. Shockley absent from room)

02:00:51 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Jent, Sen. Peterson and Sen. Shockley voted by proxy.

ADJOURNMENT

Adjournment: 12:04 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus36aad.pdf](#))