

## MINUTES

### MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on February 15, 2011 at 9:00 AM, in Room 303 Capitol

#### ROLL CALL

**Members Present:**

Sen. Terry Murphy, 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:** Sen. Jim Shockley, Vice Chair (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 276, 2/8/2011

Executive Action: SJ 2-Tabled, SB 169-Tabled, SB 262-Tabled

**HEARING ON SB 276**

**Opening Statement by Sponsor:**

00:00:55 Sen. Tom Facey (D), SD 48, opened the hearing on SB 276, Generally revise deviate sexual conduct laws.

**Proponents' Testimony:**

00:02:46 Jamee Greer, Montana Human Rights Network  
00:05:07 Niki Zupanic, American Civil Liberties Union (ACLU)  
00:07:23 Linda Gryczan, self  
00:08:34 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)  
00:09:57 Lindsey Love, Planned Parenthood of Montana  
00:12:35 Andrea Olsen, Attorney

**Opponents' Testimony:**

00:13:51 Dallas Erickson, Montana Citizens for Decency Through Law  
[EXHIBIT\(jus37a01\)](#)  
00:20:55 Harris Himes, Montana Eagle Forum, Alliance Defense Fund  
00:27:33 William D. Wise, retired Physician

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:29:57 Sen. Blewett  
00:30:41 Mr. Himes  
00:36:21 Sen. Larsen  
00:36:53 Ms. Zupanic

**Closing by Sponsor:**

00:39:04 Sen. Facey

00:43:04 Chairman Murphy  
00:45:00 Recess  
01:01:13 Committee Resumes

**EXECUTIVE ACTION ON SJ 2**

(Sen. Jent absent from room)

01:02:34 **Motion:** Sen. Hinkle moved that **SJ 2 DO PASS.**

**Discussion:**

01:02:50 Sen. Larsen  
01:03:23 Sen. Augare  
01:04:34 Sen.. Moss  
01:05:19 Sen. Hinkle  
01:06:22 Valencia Lane, Legislative Services Division (LSD)

01:07:39 **Motion/Vote:** Sen. Hinkle moved that **SJ 2 BE AMENDED.** 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. Shockley voted by proxy.

**EXHIBIT(jus37a02)**

01:08:44 **Motion:** Sen. Hinkle moved that **SJ 2 DO PASS AS AMENDED.**

**Discussion:**

01:09:23 Sen. Hutton  
01:09:46 **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. Shockley voted by proxy.  
01:10:57 Ms. Lane  
01:11:01 **Motion/Vote:** Sen. Moss moved that **SJ 2 BE TABLED.** Motion carried 10-2 by roll call vote with Sen. Hinkle and Sen. Murphy voting no. Sen. Jent and Sen. Shockley voted by proxy.

**EXECUTIVE ACTION ON SB 169**

01:12:01 **Motion:** Sen. Hinkle moved that **THE AMENDMENT FOR SB 169 BE REMOVED**. This conceptual amendment was added 2/14/11 by Sen. Shockley.

**Discussion:**

01:12:33 Ms. Lane  
01:13:16 Sen. Hinkle  
01:13:28 Ms. Lane  
01:14:12 Sen. Hinkle

01:14:33 **Vote:** Motion carried 11-1 by roll call vote with Sen. Moss voting no. Sen. Jent and Sen. Shockley voted by proxy.

01:15:14 **Motion:** Sen. Hinkle moved that **SB 169 DO PASS AS AMENDED**.

**Discussion:**

01:15:39 Sen. Larsen

(Sen. Jent returns to room)

01:16:12 Sen.. Blewett  
01:18:20 Sen. Hinkle

01:18:51 **Vote:** Motion failed 5-7 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Shockley voting aye. Sen. Shockley voted by proxy.

01:19:31 **Motion/Vote:** Sen. Augare moved that **SB 169 BE TABLED AND THE VOTE REVERSED**. Without objection, motion passed.

**EXECUTIVE ACTION ON SB 262**

01:19:58 **Motion:** Sen. Blewett moved that **SB 262 DO PASS**.

**Discussion:**

01:21:36 Sen. Jent  
01:22:04 Sen. Essmann

01:23:11 **Vote:** Motion failed 5-7 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Shockley voted by proxy.

01:23:49 **Motion/Vote:** Chairman Murphy moved that **SB 262 BE TABLED AND THE VOTE REVERSED**. Without objection, motion passed.

**ADJOURNMENT**

Adjournment: 10:24 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus37aad.pdf](#))**