

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 16, 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 279, 2/9/2011; SB 335, 2/9/2011

Executive Action: SB 335-Do Pass, SB 114-Do Pass As Amended, SB 17-Tabled
SB 18-Tabled, SB 116-Tabled

HEARING ON SB 279

Opening Statement by Sponsor:

00:01:15 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 279, Allow legislators and security w/permit to carry weapon into Capitol.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

00:20:50 Mike Manion, Chief Legal Counsel, Department Of Administration, (DOA) State of Montana

Questions from Committee Members and Responses:

00:21:39 Sen. Murphy
00:21:42 Mr. Manion
00:21:56 Sen. Peterson
00:22:12 Mr. Manion
00:23:44 Sen. Hinkle
00:24:09 Mr. Manion
00:25:58 Sen. Moss
00:26:37 Mr. Manion
00:27:01 Sen. Essmann
00:27:27 Mr. Manion
00:28:08 Sen. Murphy
00:28:21 Mr. Manion

Closing by Sponsor:

00:28:55 Sen. Jackson

HEARING ON SB 335

Opening Statement by Sponsor:

00:34:46 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 335, Revise laws related to stale-dated warrants.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

00:36:39 Paul Christofferson, Administrator, DOA

Questions from Committee Members and Responses:

00:38:15 Sen. Murphy
00:38:26 Mr. Christofferson

Closing by Sponsor:

00:39:52 Sen. Shockley
00:41:42 Recess

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

EXECUTIVE ACTION ON SB 335

00:49:58 **Motion/Vote:** Sen. Shockley moved that **SB 335 DO PASS**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 17

00:51:59 **Motion:** Sen. Shockley moved that **SB 17 DO PASS**.

Discussion:

00:52:22 Sen. Shockley
00:57:51 Sen. Blewett
01:00:12 Sen. Shockley
01:00:56 Valencia Lane, Legislative Services Division (LSD)

01:01:35 **Motion:** Sen. Shockley moved that **SB 17 BE AMENDED.**
[EXHIBIT\(jus38a01\)](#)

01:02:21 Ms. Lane

01:02:47 **Vote:** Motion carried unanimously by voice vote of those present and voting.

(Sen. Vincent, Sen. Jent, Sen. Peterson, and Sen. Essmann returned to room)

01:03:10 **Motion:** Sen. Shockley moved that **SB 17 DO PASS AS AMENDED.**

Discussion:

01:03:30 Sen. Essmann

01:04:42 Sen. Larsen

01:05:34 Sen. Hinkle

01:06:08 Sen. Jent

01:08:14 Sen. Shockley

01:10:57 Sen. Blewett

01:12:39 **Vote:** Motion failed 5-7 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy, Sen. Peterson and Sen. Shockley voting aye.

01:13:20 **Motion/Vote:** Sen. Augare moved that **SB 17 BE TABLED AND THE VOTE REVERSED.** Without objection, motion carried.

EXECUTIVE ACTION ON SB 18

01:13:27 **Motion/Vote:** Sen. Shockley moved that **SB 18 DO PASS.** Motion failed 5-7 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy, Sen. Peterson and Sen. Shockley voting aye.

01:14:17 **Motion/Vote:** Sen. Augare moved that **SB 18 BE TABLED AND THE VOTE REVERSED.** Without objection, motion carried.

EXECUTIVE ACTION ON SB 116

01:14:49 **Motion:** Sen. Hinkle moved that **SB 116 DO PASS.**

01:15:02 **Motion/Vote:** Sen. Hinkle moved that **SB 116 BE AMENDED.** Motion carried unanimously by roll call vote.

[EXHIBIT\(jus38a02\)](#)

01:17:15 **Motion:** Sen. Hinkle moved that **SB 116 DO PASS AS AMENDED.**

Discussion:

01:17:30 Sen. Blewett
01:18:40 Sen. Hinkle
01:27:18 Sen. Augare
01:27:25 Sen. Hinkle
01:27:35 Sen. Murphy
01:27:49 Sen. Hinkle
01:29:24 Sen. Shockley
01:31:51 Sen. Larsen
01:34:52 Sen. Augare
01:37:45 Sen. Essmann
01:41:01 Sen. Shockley
01:42:34 Sen. Jent
01:49:08 Sen. Shockley
01:49:55 Sen. Blewett
01:51:15 Ron Waterman, Attorney
01:54:24 Sen. Shockley
01:54:37 Mr. Waterman
01:59:13 Sen. Hutton
02:02:47 Sen. Moss

02:04:21 **Vote:** Motion failed 5-7 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Shockley voting aye.

02:05:04 **Motion/Vote:** Sen. Augare moved that **SB 17 BE TABLED AND THE VOTE REVERSED.** Without objection, motion carried.

02:08:07 Recess

02:18:38 Chairman Murphy

EXECUTIVE ACTION ON SB 114

02:18:49 **Motion/Vote:** Sen. Shockley moved that **SB 114 BE REMOVED FROM TABLED.** Motion carried 6-3 by roll call vote with Sen. Augare, Sen. Jent and Sen. Moss voting no. (Present and Voting members only) Sen. Vincent, Sen. Blewett and Sen. Larsen absent from the room for this vote.

02:21:45 **Motion:** Sen. Shockley moved that **SB 114 DO PASS.**

02:21:49 **Motion:** Sen. Shockley moved that **SB 114 BE AMENDED.**
EXHIBIT(jus38a03)

(Sen. Vincent and Sen. Larsen returned to room)

Discussion:

02:23:48 Sen. Hinkle

02:24:27 **Vote:** Motion carried unanimously by roll call vote. Sen. Blewett voted by proxy.

02:25:07 **Motion/Vote:** Sen. Shockley moved that **SB 114 DO PASS AS AMENDED.**
Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent,
Sen. Larsen and Sen. Moss voting no. Sen. Blewett voted by proxy.

ADJOURNMENT

Adjournment: 10:38 A.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT([jus38aad.pdf](#))