

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on April 13, 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. 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: SJ 30, 4/6/2011

Executive Action: HB 14-Failed on a Tie Vote, HB 631-Be Concurred In As Amended, SJR 30-Do Pass, HB 627-Tabled

HEARING ON SJ 30**Opening Statement by Sponsor:**

00:00:59 Sen. Jonathan Windy Boy (D), SD 16, opened the hearing on SJ 30, Interim study of ways to reduce childhood trauma.

Proponents' Testimony:

00:02:37 Marilyn Zimmerman, Director, National Native Children's Trauma Center (NNCTC), University of Montana

00:08:28 Deb Halliday, Policy Advisor, Office Of Public Instruction (OPI), State of Montana
[EXHIBIT\(jus82a01\)](#)

00:09:47 Lora Cowee, Director of Operations, Intermountain Children's Home (ICH), Helena, Montana
[EXHIBIT\(jus82a02\)](#)
[EXHIBIT\(jus82a03\)](#)
[EXHIBIT\(jus82a04\)](#)
[EXHIBIT\(jus82a05\)](#)

00:17:20 Kimberly Gardner, Licensed Clinical Social Worker (LCSW), Family Therapist, ICH, Helena, Montana
[EXHIBIT\(jus82a06\)](#)

00:22:47 Todd Garrison, Executive Director, The ChildWise Institute, Donor-Investor Relations Coordinator, ICH, Helena, Montana
[EXHIBIT\(jus82a07\)](#)

00:25:14 John Wilkinson, Executive Director, National Association of Social Workers/Montana Chapter

00:26:00 Mark Murphy, Montana County Attorneys (MCCA), Montana Chiefs of Police (MCOP), Montana Police Protective Association (MPPA)

00:27:36 Erin McGowan-Fincham, Community Mental Health, Association of Montana Public Health Officials (AMPHO)

00:29:05 Niki Zupanic, American Civil Liberties Union (ACLU)
[EXHIBIT\(jus82a08\)](#)

00:30:20 Kristina Davis, Executive Director, Children Defense Fund/Montana Chapter

00:32:48 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

00:34:06 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

00:35:51 Anita Roessmann, Disability Rights Montana (DRM) also for Steve Yeakel, Montana Council for Maternal and Child Health, Montana Advocates for Children
[EXHIBIT\(jus82a09\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:38:41 Sen. Blewett
00:39:30 Mr. Garrison
00:40:05 Ms. Cowee
00:42:38 Sen. Hinkle
00:43:50 Ms. Zupanic
00:45:50 Sen. Moss
00:46:41 Sen. Windy Boy

Closing by Sponsor:

00:49:08 Sen. Windy Boy
[EXHIBIT\(jus82a10\)](#)

EXECUTIVE ACTION ON HB 14

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

00:51:13 **Motion:** Sen. Shockley moved that **HB 14 BE CONCURRED IN.**

Discussion:

00:51:37 Sen. Augare
00:51:47 Sen. Blewett
00:52:38 Sen. Shockley
00:52:47 Sen. Augare
00:53:01 Sen. Moss
00:53:15 Valencia Lane, Legislative Services Division (LSD)
00:53:32 Sen. Shockley
00:55:33 Ms. Lane

00:56:03 **Vote:** Motion failed 6-6 by roll call vote with Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Moss, Sen. Peterson and Sen. Shockley voting aye. Sen. Jent, Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 631

00:56:10 **Motion:** Sen. Hinkle moved that **HB 631 BE CONCURRED IN.**

Discussion:

00:56:35 Ms. Lane

00:57:21 **Motion:** Sen. Shockley moved that **HB 631 BE AMENDED.**
[EXHIBIT\(jus82a11\)](#)

Discussion:

00:57:34 Sen. Jent
00:58:43 Ms. Lane
01:02:17 Sen. Jent
01:03:09 Ms. Lane
01:03:48 Sen. Hinkle
01:04:16 Sen. Blewett
01:05:27 Ms. Lane

(Sen. Vincent enters room)

01:07:27 Sen. Blewett
01:07:58 Ms. Lane

01:08:05 **Substitute Motion/Vote:** Sen. Hinkle made a substitute motion that **HB 631 BE TABLED**. Substitute Motion failed 4-8 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Larsen and Sen. Peterson voted by proxy.

Discussion:

01:09:16 Sen. Essmann
01:10:05 Sen. Blewett
01:10:41 Sen. Shockley
01:11:03 Ms. Lane

01:12:04 **Vote:** Motion carried 9-3 by roll call vote with Sen. Hutton, Sen. Murphy and Sen. Vincent voting no. Sen. Larsen and Sen. Peterson voted by proxy.

01:12:06 **Motion:** Sen. Shockley moved that **HB 631 BE CONCURRED IN AS AMENDED**.

Discussion:

01:12:44 Sen. Moss
01:12:46 Ms. Lane

(Sen. Larsen enters room)

01:13:12 Sen. Shockley

01:14:32 **Vote:** Motion carried 8-4 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting no. Sen. Peterson voted by proxy. Sen. Essmann will carry the bill.

EXECUTIVE ACTION ON HB 627

01:15:40 **Motion:** Sen. Shockley moved that **HB 627 BE CONCURRED IN**.

01:16:06 **Motion:** Sen. Shockley moved that **HB 627 BE AMENDED.**
EXHIBIT(jus82a12)

Discussion:

01:17:11 Ms. Lane
01:17:16 Sen. Hutton
01:17:44 Sen. Shockley

01:18:11 **Vote:** Motion carried 8-4 by roll call vote with Sen. Hutton, Sen. Larsen, Sen. Peterson and Sen. Vincent voting no. Sen. Peterson voted by proxy.

01:19:02 **Motion:** Sen. Shockley moved that **HB 627 BE CONCURRED IN AS AMENDED.**

Discussion:

01:19:13 Sen. Blewett
01:20:16 Sen. Larsen
01:20:50 Sen. Shockley
01:22:09 Sen. Moss

01:23:07 **Vote:** Motion failed 5-7 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Shockley voting aye. Sen. Peterson voted by proxy.

01:23:58 Sen. Augare
01:24:17 Motion carried Without Objection, to **REVERSE AND TABLE HB 627.**

(Sen. Moss absent from the room)

EXECUTIVE ACTION ON SJR 30

01:24:26 **Motion:** Sen. Augare moved that **SJR 30 DO PASS.**

Discussion:

01:24:56 Ms. Lane

01:26:12 Sen. Hinkle
01:27:01 Sen. Augare

01:27:34 **Vote:** Motion carried 11-1 by roll call vote with Sen. Hinkle voting no. Sen. Moss and Sen. Peterson voted by proxy.

01:28:48 Sen. Jent
01:29:41 Chairman Murphy

ADJOURNMENT

Adjournment: 11:30 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus82aad.pdf](#))