

## 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.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus07aad.pdf](#))**