

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Jim Shockley, on January 13, 2011 at 9:00 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. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: Sen. Jim Peterson (R)

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 36, 1/6/2011; SB 68, 1/6/2011; SB 76, 1/6/2011

Executive Action: SB 36-Do Pass As Amended, SB 60-Do Pass As Amended

HEARING ON SB 36

Opening Statement by Sponsor:

00:00:15 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 36, Revise court costs and attorney fees in water cases.

[EXHIBIT\(jus10a01\)](#)

Proponents' Testimony:

00:02:22 Mike Murphy, Montana Water Resources Association

00:03:42 Don MacIntyre self

00:05:00 Krista Lee Evans, Senior Water Rights Coalition, Association of Gallatin
Agriculture Irrigators

00:05:25 Jay Bodner, Montana Stockgrowers Association

00:05:57 Ann Yates, Department of Natural Resources and Conservation, State of
Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:06:37 Sen. Hamlett

HEARING ON SB 68

Opening Statement by Sponsor:

00:07:14 Sen. Larry Jent (D), SD 32, opened the hearing on SB 68, Clarify duty of driver in accident to remain at the scene.

Proponents' Testimony:

00:10:44 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ)

00:12:30 Ole Olson, Criminal Prosecutor, Assistant Attorney General, DOJ

[EXHIBIT\(jus10a02\)](#)

00:15:54 David Carter, Senior Deputy County Attorney, Yellowstone County

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:18:50 Sen. Moss

00:19:12 Sen. Jent

00:19:29 Ali Bovingdon

00:20:14 Sen. Hinkle

00:20:51 Sen. Jent

00:22:50 Sen. Shockley

00:24:07 Ms. Bovingdon

00:25:06 Mr. Carter

00:26:19 Sen. Shockley

00:26:45 Mr. Carter

Closing by Sponsor:

00:28:00 Sen. Jent

[EXHIBIT\(jus10a03\)](#)

HEARING ON SB 76

Opening Statement by Sponsor:

00:31:05 Sen. Larry Jent (D), SD 32, opened the hearing on SB 76, Provide parole for those sentenced to custody of DPHHS and in state facility.

Proponents' Testimony:

00:36:00 Debbie Matteuci, Behavioral Health Program Facilitator, Departments of Correction and Department of Public Health and Human Services Liaison

00:40:24 Matt Kuntz, Executive Director, National Alliance for the Mentally Ill/Montana (NAMI/MT)

EXHIBIT(jus10a04)

00:43:00 Dr. Bowman Stockwell, forensic psychologist (this witness did not sign in and the recording was also unclear, therefore the name may be incorrect)

00:43:26 John Wilkinson, self

EXHIBIT(jus10a05)

Opponents' Testimony:

None

Informational Testimony:

00:46:29 Mark Murphy, Montana County Attorneys Association, Montana Chiefs of Police, Montana Police Protective Association

00:52:00 Sen. Shockley

Questions from Committee Members and Responses:

00:52:29 Sen. Shockley

00:53:04 Ms. Matteuci

Closing by Sponsor:

00:55:18 Sen. Jent

EXECUTIVE ACTION ON SB 36

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

01:16:35 **Motion:** Sen. Murphy moved that **SB 36 DO PASS.**

01:16:49 **Motion:** Sen. Murphy moved that **SB 36 BE AMENDED.**
EXHIBIT(jus10a06)

01:17:11 **Vote:** Motion carried unanimously by voice vote. Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

01:17:42 **Motion/Vote:** Sen. Murphy moved that **SB 36 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 60

01:18:55 Valencia Lane, Legislative Services Division (LSD)

01:20:25 **Motion:** Sen. Shockley moved that **SB 60 DO PASS.**

01:20:53 **Motion:** Sen. Shockley moved that **SB 60 BE AMENDED.**
EXHIBIT(jus10a07)

Discussion:

01:21:21 Sen. Shockley

01:22:37 **Vote:** Motion carried unanimously by voice vote. Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

01:23:02 **Motion/Vote:** Sen. Shockley moved that **SB 60 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

(Sen. Jent entered room)

EXECUTIVE ACTION ON SB 68

01:24:39 **Motion:** Sen. Jent moved that **SB 68 DO PASS.**

01:24:56 **Motion:** Sen. Jent moved that **SB 68 BE AMENDED.**
EXHIBIT(jus10a08)

Discussion:

01:25:18 Sen. Jent

01:27:57 **Motion/Vote:** Sen. Jent moved that **SB 68 BE AMENDED.** Motion carried
unanimously by voice vote. Sen. Peterson and Sen. Vincent voted by proxy.

01:28:22 **Motion:** Sen. Murphy moved that **SB 68 DO PASS AS AMENDED.**

01:29:13 Sen. Murphy **WITHDREW THE MOTION FOR SB 68.**

ADJOURNMENT

Adjournment: 10:35 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus10aad.pdf](#))