

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 1, 2011 at 9:00 AM, 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. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)

Members Excused: Sen. Jeff Essmann (R)
Sen. Jim Peterson (R)
Sen. Chas Vincent (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 153, 1/25/2011

Executive Action: SB 42-Amended-Suspend Executive Action until updated Fiscal Note, SB 153-Do Pass, SB 151-Do Pass, SB 217-Suspended Executive Action until Amendment, SB 196-Tabled

HEARING ON SB 153

Opening Statement by Sponsor:

00:01:07 Sen. Larry Jent (D), SD 32, opened the hearing on SB 153, Revise guardian ad litem laws to allow judges' discretion in appointed counsel.

Proponents' Testimony:

00:02:45 Todd Hillier, Attorney, Guardian Ad Litem, Gallatin County
00:05:50 Anita Nybo, Co-Director, Court Appointed Special Advocate (CASA) Guardian Ad Litem Program, Gallatin County
00:10:11 Larry Epstein, Montana County Attorney Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

00:11:43 Sarah Corbally, Program Bureau Chief, Child and Family Services Division, Department of Public Health and Human Services (DPHHS)
00:12:20 Ellen Bush, Executive Director, CASA/Montana
00:12:53 John Moog, Regional Director, Office of Public Defender (OPD)

Questions from Committee Members and Responses:

00:13:23 Sen. Larsen
00:13:53 Sen. Jent
00:14:20 Ms. Bush
00:16:39 Sen. Larsen
00:16:54 Mr. Moog
00:17:52 Sen. Larsen
00:18:23 Lois Menzies, Court Administrator, Montana Supreme Court
00:20:08 Sen. Larsen
00:20:20 Ms. Menzies
00:20:39 Sen. Shockley
00:21:23 Mr. Hillier

Closing by Sponsor:

00:22:17 Sen. Jent

EXECUTIVE ACTION ON SB 42

00:25:19 **Motion:** Sen. Shockley moved that **SB 42 DO PASS**.

00:26:30 **Motion:** Sen. Shockley moved that **SB 42 BE AMENDED**.
EXHIBIT(jus25a01)

Discussion:

00:29:39 Sen. Blewett
00:30:14 Sen. Larsen
00:30:54 Sen.. Shockley
00:32:28 Sen. Larsen
00:40:48 Sen. Murphy
00:40:52 Mr. Epstein

(Sen. Jent absent from room)

00:42:02 Sen. Shockley

00:42:13 **Vote:** Motion carried 10-2 by roll call vote with Sen. Jent and Sen. Moss voting no. Sen. Essmann, Sen. Jent, Sen. Peterson and Sen. Vincent voted by proxy.

00:43:18 Chairman Murphy suspended Executive Action on **SB 42** until an updated Fiscal Note is provided to the committee.

EXECUTIVE ACTION ON SB 153

(Sen. Jent returned to room)

00:44:02 **Motion/Vote:** Sen. Shockley moved that **SB 153 DO PASS**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

00:46:53 Chairman Murphy

EXECUTIVE ACTION ON SB 151

00:48:38 **Motion:** Sen. Hinkle moved that **SB 151 DO PASS.**

Discussion:

00:49:14 Sen. Blewett
00:50:08 Sen. Taylor Brown, SD 22
00:54:30 Sen. Blewett
00:55:04 Mary "Marty" Phippen, Montana Magistrates Association (MMA)
00:57:43 Sen. Shockley
00:57:51 Ms. Phippen
00:59:32 Sen. Jent

01:01:06 **Vote:** Motion carried 11-1 by roll call vote with Sen. Blewett voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 217

01:07:02 **Motion:** Sen. Shockley moved that **SB 217 DO PASS.**

01:07:43 **Motion:** Sen. Shockley moved that **SB 217 BE AMENDED.**
[EXHIBIT\(jus25a02\)](#)

Discussion:

01:08:33 Sen. Jent
01:10:39 Sen. Shockley **WITHDREW MOTION TO AMEND SB 217.**
01:11:09 Chairman Murphy suspended Executive Action until the Amendment is resolved.

EXECUTIVE ACTION ON SB 196

01:11:37 **Motion/Vote:** Sen. Shockley moved that **SB 196 DO PASS.** Motion failed 4-8 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Moss voting aye. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

01:13:11 Chairman Murphy **WITHOUT OBJECTION MOVED TO REVERSE THE VOTE AND TABLE SB 196.**

ADJOURNMENT

Adjournment: 10:24 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus25aad.pdf](#))