

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 9, 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. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Jeff Essmann (R)
Sen. Lynda Moss (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: HB 12, 2/28/2011; HB 69, 2/28/2011; HB 102, 2/28/2011

Executive Action: HB 12-Be Concurred In, HB 69-Be Concurred In As Amended, HB 102-Be Concurred In-Withdrew Motion, HB 250-Be Concurred In As Amended-Withdrew Motion, HB 235-Tabled, HB 360-Tabled, HB 412-Tabled

HEARING ON HB 12**Opening Statement by Sponsor:**

00:01:31 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 12, Provide one-year jurisdiction for misdemeanor DUI/BAC offenses.

EXHIBIT(jus53a01)

Exhibit from Valencia Lane, Legislative Services Division (LSD) regarding bill conflict with HB 299

Proponents' Testimony:

00:06:45 Col. Mike Tooley, Chief, Montana Highway Patrol (MHP), Department of Justice (DOJ), State of Montana

00:07:40 Larry Epstein, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA), also for Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

00:08:40 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

00:09:27 Jane Hamman, Montana Traffic Education Association (MTEA)

Opponents' Testimony:

None

Informational Testimony:

00:10:09 Vicki Turner, Director, Prevention Resource Division, Department Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

00:10:33 Sen. Shockley

00:11:33 Rep. Menahan

00:12:50 Sen. Jent

00:13:24 Sen. Shockley

00:13:46 Rep. Menahan

00:14:44 Sen. Hinkle

00:15:09 Rep. Menahan

00:16:54 Sen. Jent

00:17:03 Rep. Menahan

Closing by Sponsor:

00:19:13 Rep. Menahan

(Introduction of Colter Mahlum, Big Fork, Montana, who served as page for the committee, sponsored by Sen. Buttrey)

HEARING ON HB 69

Opening Statement by Sponsor:

00:20:51 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 69, Revise jail penalties for DUI court participation.

EXHIBIT(jus53a02)

Exhibit from Valencia Lane, LSD, regarding bill conflict with HB 299

Proponents' Testimony:

00:27:56 Col. Mike Tooley, MHP, DOJ

00:28:43 Larry Epstein, MCAA, MACOP, also for Jim Smith, MSPOA

00:30:35 Rebecca Sturdevant, MADD

00:31:50 Jane Hamman, MTEA

Opponents' Testimony:

None

Informational Testimony:

00:32:28 Vicki Turner, DPHHS

Questions from Committee Members and Responses:

00:33:15 Sen. Shockley

00:33:21 Col. Tooley

Closing by Sponsor:

00:33:56 Rep. Menahan

HEARING ON HB 102

Opening Statement by Sponsor:

00:35:10 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 102, Revise probationary driver's license provisions for DUI court participation.

EXHIBIT(jus53a03)

Exhibit from Ms. Lane, LSD, regarding bill conflict with HB 106, HB 14, HB 299

Proponents' Testimony:

00:37:01 Col. Mike Tooley, MHP, DOJ
00:37:43 Larry Epstein, MCAA, MACOP, MPPA, also for Jim Smith, MSPOA
00:38:17 Rebecca Sturdevant, MADD
00:38:37 Jane Hamman, MTEA

Opponents' Testimony:

None

Informational Testimony:

00:39:05 Vicki Turner, DPHHS

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:39:32 Rep. Menahan

Recess

(Sen. Peterson and Sen. Shockley absent from the room)

EXECUTIVE ACTION ON HB 12

01:00:37 **Motion:** Sen. Hinkle moved that **HB 12 BE CONCURRED IN.**

Discussion:

01:00:48 Ms. Lane, LSD

01:02:29 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Moss, Sen. Peterson and Sen. Shockley voted by proxy. Sen. Blewett will carry the bill.

(Sen. Shockley entered room)

EXECUTIVE ACTION ON HB 69

01:02:55 **Motion:** Sen. Hinkle moved that **HB 69 BE CONCURRED IN.**

Discussion:

01:03:01 Ms. Lane, LSD, informed the committee of a coordinating amendment for Page 1, line 17 to strike "the imprisonment", insert "any" and "subsequently imposed" following the second "sentence".

01:04:21 **Motion/Vote:** Sen. Hinkle moved that **HB 69 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Moss and Sen. Peterson voted by proxy.

01:04:56 **Motion/Vote:** Sen. Hinkle moved that **HB 69 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Moss and Sen. Peterson voted by proxy. Sen. Jent will carry the bill.

(Sen. Peterson entered room)

EXECUTIVE ACTION ON HB 102

01:05:30 **Motion:** Sen. Hinkle moved that **HB 102 BE CONCURRED IN.**

Discussion:

01:06:00 Ms. Lane, LSD, spoke of a possible coordinating amendment for Page 5, Line 15, 16, 18, insert "2 year" to replace "1 year".

01:08:12 Sen. Jent

01:08:52 Ms. Lane

01:10:20 Sen. Jent

01:11:24 Ms. Lane

01:11:27 Sen. Jent

01:11:30 Sen. Peterson

01:12:17 Sen. Jent

01:13:50 Sen. Peterson

01:14:03 Sen. Jent

01:14:39 Ms. Lane

01:15:33 Sen. Peterson

01:16:28 Sen. Jent

01:17:15 Sen. Peterson

01:18:09 Sen. Jent

01:19:24 Sen. Peterson

01:19:44 Sen. Hinkle **WITHDREW MOTION** that **HB 102 BE CONCURRED IN.**

EXECUTIVE ACTION ON HB 235

01:20:57 **Motion:** Sen. Shockley moved that **HB 235 BE CONCURRED IN.**

01:21:01 **Motion:** Sen. Blewett moved that **HB 235 BE AMENDED.**
EXHIBIT(jus53a04)

Discussion:

01:23:55 Sen. Jent
01:26:26 Sen. Murphy
01:27:07 Sen. Peterson
01:28:01 Sen. Blewett
01:29:50 Sen. Peterson
01:30:49 Sen. Shockley
01:31:58 Sen. Blewett
01:33:37 Sen. Hinkle

01:33:54 **Substitute Motion/Vote:** Sen. Jent made a substitute motion that **HB 235 BE TABLED.** Substitute Motion carried 10-2 by roll call vote with Sen. Essmann and Sen. Shockley voting no. Sen. Essmann and Sen. Moss voted by proxy.

EXECUTIVE ACTION ON HB 250

01:35:55 **Motion:** Sen. Hinkle moved that **HB 250 BE CONCURRED IN.**

Discussion:

01:36:07 Sen. Jent
01:36:48 Sen. Hinkle **WITHDREW MOTION** that **HB 250 BE CONCURRED IN.**

EXECUTIVE ACTION ON HB 360

01:37:41 **Motion:** Sen. Hinkle moved that **HB 360 BE CONCURRED IN.**

01:37:57 **Motion/Vote:** Sen. Augare moved that **HB 360 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Essmann and Sen. Moss voted by proxy.
EXHIBIT(jus53a05)

01:39:51 **Motion:** Sen. Hinkle moved that **HB 360 BE CONCURRED IN AS AMENDED.**

Discussion:

01:40:00 Sen. Augare
01:40:35 Ms. Lane, LSD
01:40:45 Sen. Augare
01:41:30 Sen. Shockley
01:41:53 Sen. Augare
01:42:20 Sen. Shockley

01:42:35 Ms. Lane, LSD
01:43:12 Sen. Augare
01:43:35 Sen. Shockley
01:43:57 Sen. Murphy

01:44:17 **Substitute Motion/Vote:** Sen. Augare made a substitute motion that **HB 360 BE TABLED**. Substitute Motion carried 11-1 by roll call vote with Sen. Shockley voting no. Sen. Essmann and Sen. Moss voted by proxy.

EXECUTIVE ACTION ON HB 412

01:45:54 **Motion:** Sen. Shockley moved that **HB 412 BE CONCURRED IN**.

01:46:09 **Substitute Motion/Vote:** Sen. Blewett made a substitute motion that **HB 412 BE TABLED**. Substitute Motion carried 10-2 by roll call vote with Sen. Peterson and Sen. Shockley voting no. Sen. Essmann and Sen. Moss voted by proxy.

ADJOURNMENT

Adjournment: 10:48 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus53aad.pdf](#))