

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on January 17, 2013 at 9:00 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Scott Sales, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Scott Boulanger (R)
Sen. John Brenden (R)
Sen. Robyn Driscoll (D)
Sen. Jennifer Fielder (R)
Sen. Cliff Larsen (D)
Sen. Chas Vincent (R)

Members Excused: Sen. Anders Blewett (D)
Sen. Larry Jent (D)
Sen. Art Wittich (R)

Members Absent: None

Staff Present: Julianne Burkhardt, 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 134, 1/14/2013

Executive Action: SB 73-Do Pass, SB 65-Do Pass, SB 22-Tabled

HEARING ON SB 134**Opening Statement by Sponsor:**

00:03:51 Sen. John Brenden (R), SD 18, opened the hearing on SB 134, Revise elder abuse laws.

Proponents' Testimony:

00:13:05 Sen. Jeff Essmann (R), SD 28
00:17:30 Scott Twito, Yellowstone County Attorney

[EXHIBIT\(jus09a01\)](#)

00:24:25 Kelly Williams, Administrator, Senior and Long Term Care Division, Department of Public Health and Human Services (DPHHS)

[EXHIBIT\(jus09a02\)](#)

00:27:47 Denise Armstrong, Executive Director, Big Sky Senior Services, Billings, MT
00:36:35 Claudia Clifford, Advocacy Director, American Association of Retired Persons (AARP/MT)
00:38:40 Donya Parrish, Montana Credit Union Network (MCUN)
00:39:58 Mark Murphy, Montana County Attorneys Association (MCAA)
00:44:19 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
00:45:21 Bradley Williams, Montanans Against Assisted Suicide (MAAS)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:11 Sen. Vincent
00:47:21 Sen. Brenden
00:48:59 Sen. Driscoll
00:50:50 Sen. Boulanger
00:51:13 Mr. Murphy, MCAA
00:53:23 Sen. Fielder
00:53:51 Mr. Murphy

Closing by Sponsor:

00:55:39 Sen. Brenden

00:57:32 Sen. Murphy, Committee business

EXECUTIVE ACTION ON SB 134

00:58:00 **Motion:** Sen. Brenden moved that **SB 134 DO PASS.**

00:58:15 **Motion:** Sen. Vincent moved that **SB 134 BE AMENDED** with a **CONCEPTUAL AMENDMENT FOR CHANGING THE AGE.**

00:58:48 Without objection, Sen. Brenden **WITHDREW** the **DO PASS** motion.

EXECUTIVE ACTION ON SB 22

00:59:11 **Motion/Vote:** Sen. Brenden moved that **SB 22 BE TABLED.** Motion carried 11-0 by voice vote. Sen. Jent was excused. Sen. Blewett and Sen. Wittich voted by proxy.

01:00:11 Sen. Brenden left the hearing.

EXECUTIVE ACTION ON SB 73

01:01:06 **Motion/Vote:** Sen. Augare moved that **SB 73 DO PASS.** Motion carried 11-0 by voice vote. Sen. Jent was excused. Sen. Blewett, Sen. Brenden and Sen. Wittich voted by proxy.

DISCUSSION ON SB 113:

01:03:28 Sen. Driscoll

01:03:36 Julianne Burkhardt, Legislative Services Division (LSD)

01:03:48 Sen. Murphy

EXECUTIVE ACTION ON SB 65

01:04:22 **Motion:** Sen. Fielder moved that **SB 65 DO PASS.**

Discussion:

01:04:34 Sen. Augare

01:06:53 **Vote:** Motion carried 9-2 by roll call vote with Sen. Augare and Sen. Murphy voting no. Sen. Jent was excused. Sen. Blewett, Sen. Brenden and Sen. Wittich voted by proxy.

ADJOURNMENT

Adjournment: 10:10 A.M.

Pam Schindler, Secretary

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Additional Documents:

Niki Zupanic, American Civil Liberties Union (ACLU)

Additional Documents:

EXHIBIT([jus09aad.pdf](#))