

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on January 18, 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. Anders Blewett (D)
Sen. Scott Boulanger (R)
Sen. Robyn Driscoll (D)
Sen. Jennifer Fielder (R)
Sen. Larry Jent (D)
Sen. Chas Vincent (R)
Sen. Art Wittich (R)

Members Excused: Sen. Shannon Augare (D) None
Sen. John Brenden (R)
Sen. Cliff Larsen (D)

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 110, 1/16/13; SB 121, 1/15/2013; SB 133, 1/15/2013

Executive Action: SB 121-Do Pass, SB 113-Amendment added, SB 110-Tabled

HEARING ON SB 121**Opening Statement by Sponsor:**

00:27:31 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 121, Generally revise laws related to contracts.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:29:37 Sen. Fielder

EXECUTIVE ACTION ON SB 121

00:30:47 **Motion/Vote:** Sen. Sales moved that **SB 121 DO PASS**. Motion carried unanimously by roll call vote. Sen. Augare, Sen. Brenden and Sen. Larsen voted by proxy.

HEARING ON SB 133**Opening Statement by Sponsor:**

00:31:58 Sen. Matthew Rosendale (R), SD 19, opened the hearing on SB 133, Revise concealed weapon laws for public defender criminal investigator.

Proponents' Testimony:

00:33:24 Catherine Huston, self, Criminal Investigator, Office of Public Defender (OPD), State of Montana

00:38:12 Tammy Eckhardt, self, Criminal Investigator, Office of Public Defender (OPD), State of Montana

00:43:43 Mark Beck, self, Criminal Investigator, Office of Public Defender (OPD), State of Montana

00:48:18 Richard Peck, self, Criminal Investigator, Office of Public Defender (OPD), State of Montana

00:50:22 John Otway, self, Criminal Investigator, Office of Public Defender (OPD), State of Montana

00:53:13 Fritz Gillespie, Chairman, Public Defender Commission (PDC)

00:55:28 Sen. Rosendale (on behalf of Mori Woods)

[EXHIBIT\(jus10a01\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:56:03 Sen. Wittich
00:57:55 Sen. Rosendale
00:58:12 Mr. Gillespie, PDC
01:02:59 Sen. Vincent
01:03:38 Mr. Gillespie
01:05:19 Chairman Murphy

Closing by Sponsor:

01:05:36 Sen. Rosendale

HEARING ON SB 110

Opening Statement by Sponsor:

01:07:09 Sen. Taylor Brown (R), SD 22, opened the hearing on SB 110, Provide for a crime prevention program.
[EXHIBIT\(jus10a02\)](#)

Proponents' Testimony:

01:17:29 Rob Scheben, Vice-President, Montana Crime Prevention Association (MCPA)
Officer, Missoula Police Department (MPD)
01:22:04 James Mariska, retired, Volunteer- Billings Police Crime Prevention Center,
Montana Crime Prevention Association (MCPA)
[EXHIBIT\(jus10a03\)](#)

01:27:42 Brian Kahn, Attorney, "Home Ground" Radio Show Program
[EXHIBIT\(jus10a04\)](#)

01:32:14 Daniel Haffey, Licensed Addictions Counselor, Teacher
01:41:33 Alex Ward, Volunteer-American Association of Retired Persons (AARP)
[EXHIBIT\(jus10a05\)](#)

01:42:59 Denise Armstrong, Big Sky Senior Services, Billings, MT
01:45:07 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs
of Police Association (MCPA)
01:47:51 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
01:50:02 Lisa Scates, self
[EXHIBIT\(jus10a06\)](#)

01:53:17 Jerry Williams, Executive Director, Montana Police Protective Association (MPPA)
01:54:01 Becky Sturdevant, Mothers Against Drunk Driving (MADD), Montana Common Sense Coalition, (MCSC)
01:55:29 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
01:57:40 Candace Payne, Rimrock Foundation

01:59:02 Sen. Larsen entered the hearing.

Opponents' Testimony:

01:59:07 Mary Phippen, Montana Magistrates Association (MMA)
[EXHIBIT\(jus10a07\)](#)
[EXHIBIT\(jus10a08\)](#)
[EXHIBIT\(jus10a09\)](#)

02:07:24 Maureen Connor, Montana Association of Counties (MACo)
02:08:01 Niki Zupanic, Public Policy Director, American Civil Liberties Union (ACLU)

Informational Testimony:

02:10:35 Brooke Marshall, Director, Montana Board of Crime Control (MBCC)

Questions from Committee Members and Responses:

02:11:18 Sen. Fielder
02:12:03 Ms. Marshall, MBCC
02:15:09 Sen. Sales
02:16:13 Sen. Brown
02:18:40 Sen. Boulanger
02:19:09 Ms. Marshall
02:21:54 Sen. Wittich
02:24:10 Sen. Brown
02:31:06 Mr. Mariska, MCPA
02:33:48 Sen. Fielder
02:34:33 Mr. Mariska

Closing by Sponsor:

02:36:11 Sen. Brown

02:39:15 Recess
02:53:45 Reconvene

EXECUTIVE ACTION ON SB 113

02:54:35 **Motion:** Sen. Blewett moved that **SB 113 DO PASS.**

02:55:01 **Motion/Vote:** Sen. Blewett moved that **SB 113 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Augare and Sen. Brenden voted by proxy.

EXHIBIT(jus10a10)

02:58:07 **Motion:** Sen. Blewett moved that **SB 113 DO PASS AS AMENDED.**

Discussion:

02:58:24 Sen. Vincent

02:58:50 Sen. Blewett

03:02:33 Sen. Jent

03:07:16 Sen. Wittich

03:08:42 Sen. Blewett

03:13:20 Chairman Murphy

03:13:29 Sen. Blewett moved that **ACTION BE DEFERRED** on **SB 113** (additional amendments needed.) Motion carried unanimously by voice vote. Sen. Augare and Sen. Brenden voted by proxy.

03:13:45 Without objection, Sen. Blewett **WITHDREW** the **MOTION DO PASS AS AMENDED** on **SB 113.**

EXECUTIVE ACTION ON SB 110

03:14:26 **Motion:** Sen. Driscoll moved that **SB 110 DO PASS.**

Discussion:

03:14:38 Sen. Sales

03:15:56 Sen. Jent

03:16:32 Sen. Fielder

03:17:08 **Vote:** Motion failed 2-10 by roll call vote with Sen. Driscoll and Sen. Larsen voting aye. Sen. Augare and Sen. Brenden voted by proxy.

03:18:07 **Motion/Vote:** Sen. Sales moved that **SB 110 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Sen. Augare and Sen. Brenden voted by proxy.

ADJOURNMENT

Adjournment: 11:55 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus10aad.pdf](#))