

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on January 25, 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. Anders Blewett (D)
Sen. Scott Boulanger (R)
Sen. Robyn Driscoll (D)
Sen. Jennifer Fielder (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Chas Vincent (R)
Sen. Art Wittich (R)

Members Excused: Sen. John Brenden (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: HB 42, 1/22/2013; HB 132, 1/22/2013; HB 139, 1/22/2013

Executive Action: HB 42-Be Concurred In, HB 132-Be Concurred In, HB 139-Be Concurred In, SB 113-Do Pass As Amended, SB 133-Do Pass As Amended, SB 107-Do Pass

HEARING ON HB 42

Opening Statement by Sponsor:

00:27:13 Rep. Keith Regier (R), HD 5, opened the hearing on HB 42, Revise laws related to destruction of property by minors.

Proponents' Testimony:

00:29:43 Larry Epstein, Montana County Attorneys Association (MCAA), Montana Police Protective Association (MPPA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:31:17 Sen. Driscoll

00:31:32 Rep. Regier

Closing by Sponsor:

00:32:10 Rep. Regier

HEARING ON HB 132

Opening Statement by Sponsor:

00:33:22 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 132, Revise Montana highway patrol use of uniform, title.

Proponents' Testimony:

00:35:13 Tom Butler, Major, Montana Highway Patrol (MHP)

[EXHIBIT\(jus16a01\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:37:16 Rep. Lavin

HEARING ON HB 139**Opening Statement by Sponsor:**

00:37:49 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 139, Update laws governing law enforcement communications system.

Proponents' Testimony:

00:38:24 Jon Bennion, Department of Justice (DOJ), State of Montana
00:40:09 Bonnie Lorang, General Manager, Montana Independent Telecommunication Systems (MITS)

Opponents' Testimony:

00:40:59 Eric Brosten, self
[EXHIBIT\(jus16a02\)](#)
[EXHIBIT\(jus16a03\)](#)
[EXHIBIT\(jus16a04\)](#)

Informational Testimony:

00:41:40 Joe Wodnik, Department of Criminal Investigations (DCI), Department of Justice (DOJ), State of Montana

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:42:07 Rep. Lavin

EXECUTIVE ACTION ON HB 139

00:42:52 **Motion/Vote:** Sen. Sales moved that **HB 139 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Brenden voted by proxy. Sen. Murphy will carry the bill.

EXECUTIVE ACTION ON HB 42

00:44:59 **Motion/Vote:** Sen. Sales moved that **HB 42 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Brenden voted by proxy. Sen. Murphy will carry the bill.

EXECUTIVE ACTION ON HB 132

00:45:46 **Motion:** Sen. Sales moved that **HB 132 BE CONCURRED IN**.

Discussion:

00:45:59 Sen. Driscoll

00:46:19 Sen. Murphy

00:46:41 **Vote:** Motion carried unanimously by roll call vote. Sen. Brenden voted by proxy. Sen. Driscoll will carry the bill.

EXECUTIVE ACTION ON SB 113

00:47:54 **Motion:** Sen. Blewett moved that **SB 113 DO PASS AS AMENDED.** (Please Note: this bill was amended in a previous hearing.)

00:48:00 **Motion:** Sen. Blewett moved that **SB 113 BE AMENDED.**
[EXHIBIT\(jus16a05\)](#)

Discussion:

00:53:02 Sen. Wittich

00:53:33 Sen. Fielder

00:53:51 **Vote:** Motion carried unanimously by roll call vote. Sen. Brenden voted by proxy.

00:56:24 **Motion:** Sen. Wittich moved that **SB 113 DO PASS AS AMENDED.**

Discussion:

00:56:36 Sen. Jent

00:57:22 Sen. Blewett

01:03:57 **Vote:** Motion carried unanimously by roll call vote. Sen. Brenden voted by proxy.

EXECUTIVE ACTION ON SB 133

01:04:20 **Motion:** Sen. Sales moved that **SB 133 DO PASS.**

01:05:05 **Motion:** Sen. Wittich moved that **SB 133 BE AMENDED.**
[EXHIBIT\(jus16a06\)](#)

Discussion:

01:07:44 Sen. Augare

01:08:12 Sen. Wittich

01:09:11 Sen. Jent

01:09:56 **Vote:** Motion carried unanimously by roll call vote. Sen. Brenden voted by proxy.

01:10:25 **Motion/Vote:** Sen. Wittich moved that **SB 133 DO PASS AS AMENDED.**
Motion carried unanimously by roll call vote. Sen. Brenden voted by proxy.

EXECUTIVE ACTION ON SB 150

01:11:37 **Motion:** Sen. Driscoll moved that **SB 150 DO PASS.**

Discussion:

01:12:40 Sen. Wittich
01:13:04 Sen. Blewett
01:15:21 Sen. Augare
01:18:15 Sen. Wittich
01:19:55 Sen. Blewett
01:20:34 Sen. Driscoll
01:21:17 Sen. Vincent
01:21:55 Sen. Blewett
01:22:37 Sen. Wittich

01:23:07 Sen. **Driscoll WITHDREW MOTION SB 150 DO PASS.**

(Sen. Boulanger absent from hearing)

EXECUTIVE ACTION ON SB 160

01:23:29 Julianne Burkhardt, Legislative Services Division (LSD)
01:23:47 Sen. Wittich

EXECUTIVE ACTION ON SB 107

01:24:44 **Motion:** Sen. Blewett moved that **SB 107 DO PASS.**

Discussion:

01:24:52 Sen. Wittich
01:25:28 Ms. Burkhardt, LSD
01:26:34 Sen. Wittich
01:27:23 Ms. Burkhardt
01:27:31 Sen. Larsen
01:28:02 Sen. Jent
01:32:13 Sen. Wittich
01:33:29 Sen. Blewett
01:34:38 Sen. Burkhardt
01:35:06 Sen. Blewett
01:36:53 Sen. Fielder
01:37:27 Sen. Murphy

01:39:11 **Vote:** Motion carried 7-5 by roll call vote with Sen. Boulanger, Sen. Brenden, Sen. Fielder, Sen. Sales and Sen. Wittich voting no. Sen. Boulanger and Sen. Brenden voted by proxy.

ADJOURNMENT

Adjournment: 10:23 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus16aad.pdf](#))