

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 13, 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. Cliff Larsen (D)
Sen. Chas Vincent (R)
Sen. Art Wittich (R)

Members Excused: Sen. John Brenden (R), Sen. Larry Jent (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: HB 45, SB 248, 2/7/2013
Executive Action: SB 189-Do Pass As Amended, SB 195-Do Pass As Amended,
SB 238-Do Pass, SB 188-Do Pass As Amended-Failed-Tie Vote,
SB 220-Tabled

HEARING ON HB 45

Opening Statement by Sponsor:

00:14:27 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 45, Require EQC eminent domain handbook be included in condemnation complaint.

Proponents' Testimony:

00:16:18 John Fitzpatrick, Northwestern Energy (NWE)
00:16:38 John Youngberg, Montana Farm Bureau Federation (MFBF)
00:16:55 Jay Bodner, Montana Stockgrowers Association (MSGA)
00:17:22 Connie Keogh, Northern Plains Resource Council (NPRC), Billings, Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:18:00 Rep. Lavin

HEARING ON SB 248

Opening Statement by Sponsor:

00:18:27 Sen. Robyn Driscoll (D), SD 26, opened the hearing on SB 248, Revise trespass laws.

Proponents' Testimony:

00:20:39 John Fitzpatrick, Northwestern Energy (NWE)

[EXHIBIT\(jus32a01\)](#)

[EXHIBIT\(jus32a02\)](#)

[EXHIBIT\(jus32a03\)](#)

[EXHIBIT\(jus32a04\)](#)

00:29:02 Dan Flynn, International Brotherhood of Electrical Workers (IBEW)

00:29:27 Bonnie Lorang, Montana Independent Telecommunication Systems (MITS)

00:30:28 Phil Maxwell, 3 Rivers Communications (3RC)

00:30:41 Geoff Feiss, General Manager, Montana Telecommunication Association (MTA)

Opponents' Testimony:

00:31:03 Mike Murphy, Montana Water Resources Association (MWRA)

00:33:13 Chuck Denowh, United Property Owners of Montana (UPOM)

00:34:55 Jay Bodner, Montana Stockgrowers Association (MSGA)
00:36:47 John Youngberg, Montana Farm Bureau Federation (MFBF)

Informational Testimony: None

Questions from Committee Members and Responses:

00:38:18 Sen. Larsen
00:39:15 Mr. Fitzpatrick, NWE
00:41:15 Sen. Fielder
00:41:50 Mr. Fitzpatrick
00:43:08 Sen. Driscoll
00:43:28 Sen. Blewett
00:44:02 Mr. Fitzpatrick
00:47:35 Sen. Murphy
00:48:39 Mr. Maxwell, 3RC
00:49:46 Sen. Blewett
00:50:24 Mr. Fitzpatrick

Closing by Sponsor:

00:50:41 Sen. Driscoll

EXECUTIVE ACTION ON SB 220

00:53:08 **Motion:** Sen. Blewett moved that **SB 220 DO PASS.**

Discussion:

00:54:38 Sen. Fielder
00:55:44 Sen. Larsen
00:58:10 Sen. Augare

01:00:21 **Vote:** Motion failed 5-7 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting aye. Sen. Brenden and Sen. Jent voted by proxy.

01:00:26 **Motion/Vote:** Sen. Sales moved that **SB 220 BE TABLED AND THE VOTE REVERSED.** Motion carried 9-3 by roll call vote with Sen. Blewett, Sen. Driscoll and Sen. Larsen voting no. Sen. Brenden and Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 188

01:01:45 **Motion:** Sen. Fielder moved that **SB 188 DO PASS.**

(Vice Chairman Sales assumed the role of Chairman)

Discussion:

01:02:18 **Motion/Vote:** Sen. Murphy moved that **SB 188 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Brenden and Sen. Jent voted by proxy.

EXHIBIT(jus32a05)

(Chairman Murphy resumed role of Chairman)

01:03:41 **Motion/Vote:** Sen. Fielder moved that **SB 188 DO PASS AS AMENDED.** Motion failed 6-6 by roll call vote with Sen. Blewett, Sen. Driscoll, Sen. Fielder, Sen. Jent, Sen. Larsen and Sen. Murphy voting aye. Sen. Brenden and Sen. Jent voted by proxy. (Due to the tie vote, SB 188 remains in committee.)

EXECUTIVE ACTION ON SB 189

01:05:06 **Motion:** Sen. Fielder moved that **SB 189 DO PASS.**

(Vice Chairman Sales assumed the role of Chairman)

01:05:28 **Motion/Vote:** Sen. Murphy moved that **SB 189 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Brenden and Sen. Jent voted by proxy.

EXHIBIT(jus32a06)

(Chairman Murphy resumed role of Chairman)

01:06:30 **Motion/Vote:** Sen. Fielder moved that **SB 189 DO PASS AS AMENDED.** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Brenden, Sen. Murphy, Sen. Sales and Sen. Vincent voting no. Sen. Brenden and Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 195

01:07:34 **Motion:** Sen. Blewett moved that **SB 195 DO PASS.**

01:08:12 **Motion:** Sen. Sales moved that **SB 195 BE AMENDED.**

EXHIBIT(jus32a07)

Discussion:

01:09:23 Julianne Burkhardt, Legislative Services Division (LSD)

01:10:07 Sen. Blewett

01:10:58 Sen. Wittich
01:11:21 Ms. Burkhardt, LSD

01:11:43 **Vote:** Motion carried unanimously by roll call vote. Sen. Brenden and Sen. Jent voted by proxy.

01:12:15 **Motion:** Sen. Blewett moved that **SB 195 DO PASS AS AMENDED.**

Discussion:

01:12:26 Sen. Larsen
01:12:59 Sen. Wittich
01:14:08 Ms. Burkhardt
01:16:55 Sen. Blewett

01:18:24 **Vote:** Motion carried 10-2 by roll call vote with Sen. Brenden and Sen. Wittich voting no. Sen. Brenden and Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 238

01:20:03 Ms. Burkhardt

01:20:12 **Motion:** Sen. Larsen moved that **SB 238 DO PASS.**

Discussion:

01:20:30 Sen. Vincent
01:20:44 Sen. Blewett
01:23:19 Sen. Fielder

01:24:06 **Vote:** Motion carried 8-4 by roll call vote with Sen. Boulanger, Sen. Brenden, Sen. Fielder and Sen. Sales voting no. Sen. Brenden and Sen. Jent voted by proxy.

ADJOURNMENT

Adjournment: 10:13 A.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT([jus32aad.pdf](#))