

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on February 25, 2013 at 10:30 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. Robyn Driscoll (D)  
Sen. Jennifer Fielder (R)  
Sen. Cliff Larsen (D)  
Sen. Chas Vincent (R)  
Sen. Art Wittich (R)

**Members Excused:** Sen. Anders Blewett (D)  
Sen. John Brenden (R)  
Sen. Larry Jent (D)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Nadine Spencer, 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: SJ 19, 2/22/2013

Executive Action: SJ 19 - Do Pass As Amended  
SB 299 - Do Pass As Amended

**HEARING ON SJ 19**

**Opening Statement by Sponsor:**

00:24:20 Sen. Cliff Larsen (D), SD 50, opened the hearing on SJ 19, Resolution encouraging implementation of I-166 provisions.

[EXHIBIT\(jus42a01\)](#)

**Proponents' Testimony:**

00:27:18 Matt Leow, Campaign Manager, Stand with Montanans (SWM)

[EXHIBIT\(jus42a02\)](#)

[EXHIBIT\(jus42a03\)](#)

00:30:36 Carole Mackin Website Administrator, People's Power League (PPL)

[EXHIBIT\(jus42a04\)](#)

00:35:03 Sean McQuillan, Montana Public Interest Research Group (MontPIRG)

00:35:56 Mark Mackin, self

[EXHIBIT\(jus42a05\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:41:55 Sen. Vincent

00:46:33 Mr. Leow, SWM

00:47:10 Sen. Wittich

00:48:19 Ms. Mackin, PPL

00:48:24 Sen. Wittich

00:49:08 Mr. McQuillan, MontPIRG

00:49:20 Sen. Wittich

00:52:25 Sen. Larsen

00:53:08 Sen. Fielder

00:54:48 Julianne Burkhardt, Legislative Services Division (LSD)

00:55:03 Sen. Fielder

00:55:49 Sen. Larsen

00:56:02 Sen. Fielder

00:58:45 Mr. Leow

00:58:59 Sen. Wittich

01:01:23 Mr. Leow

01:01:45 Sen. Fielder

01:02:07 Mr. Leow

01:02:31 Sen. Wittich

01:03:02 Mr. McQuillan

01:03:30 Chairman Murphy

01:03:49 Sen. Blewett entered the hearing.

01:05:44 Mr. Leow

01:05:58 Chairman Murphy

**Closing by Sponsor:**

01:06:09 Sen. Larsen

**EXECUTIVE ACTION ON SJ 19**

01:08:48 **Motion:** Sen. Larsen moved that **SJ 19 DO PASS.**

01:08:57 **Motion:** Sen. Larsen moved that **SJ 19 BE AMENDED.**  
[EXHIBIT\(jus42a06\)](#)

**Discussion:**

01:09:28 Sen. Larsen

01:11:37 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Jent voted by proxy.

01:12:20 **Motion:** Sen. Larsen moved that **SJ 19 DO PASS AS AMENDED.**

**Discussion:**

01:12:36 Sen. Fielder

01:13:15 Sen. Larsen

01:13:40 Sen. Wittich

01:17:02 Sen. Driscoll

01:17:59 Sen. Vincent

01:19:47 Sen. Larsen

01:22:35 Sen. Blewett

01:24:26 Sen. Fielder

01:26:03 Sen. Larsen

01:27:42 Chairman Murphy

01:28:13 Sen. Larsen

01:28:26 Julianne Burkhardt, LSD

01:28:49 Chairman Murphy

01:30:08 **Vote:** Motion carried 8-4 by roll call vote with Sen. Boulanger, Sen. Brenden, Sen. Murphy and Sen. Wittich voting no. Sen. Brenden and Sen. Jent voted by proxy.

**EXECUTIVE ACTION ON SB 299**

01:31:50 **Motion:** Sen. Fielder moved that **SB 299 DO PASS.**

01:32:04      **Motion:** Sen. Driscoll moved that **SB 299 BE AMENDED.**  
**EXHIBIT(jus42a07)**

**Discussion:**

01:32:16      Sen. Driscoll  
01:32:59      Sen. Fielder  
01:33:10      Sen. Driscoll  
01:33:14      Sen. Fielder  
01:34:47      Sen. Wittich  
01:35:06      Sen. Driscoll  
01:35:21      Sen. Blewett  
01:37:14      Chairman Murphy  
01:38:10      Sen. Boulanger  
01:38:37      Sen. Driscoll  
01:38:55      Sen. Sales  
01:39:18      Ms. Burkhardt  
01:39:40      Sen. Fielder  
01:39:57      Chairman Murphy  
01:40:03      Ms. Burkhardt  
01:40:16      Chairman Murphy  
  
01:40:36      recess  
01:48:46      reconvene

**Discussion:**

01:48:58      Sen. Driscoll  
01:49:17      Sen. Sales  
01:49:48      Sen. Frederick (Eric) Moore (R), SD 20, Miles City  
01:50:09      Sen. Sales  
01:50:37      Sen. Moore  
  
01:51:06      **Vote:** Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Brenden, Sen. Fielder and Sen. Wittich voting no. Sen. Brenden and Sen. Jent voted by proxy.  
  
01:52:04      **Motion:** Sen. Driscoll moved that **SB 299 DO PASS AS AMENDED.**

**Discussion:**

01:52:16      Sen. Blewett  
01:53:22      Ms. Burkhardt  
01:53:48      Sen. Augare  
01:55:29      Sen. Fielder  
01:56:24      Chairman Murphy  
01:57:09      Sen. Wittich  
01:58:34      Sen. Blewett  
02:01:01      Sen. Fielder  
02:01:23      Sen. Blewett  
02:01:54      Sen. Fielder

02:02:15 Sen. Blewett  
02:02:55 Sen. Wittich  
02:04:31 Sen. Blewett  
02:06:07 Chairman Murphy  
02:06:26 Sen. Boulanger  
02:06:37 Sen. Blewett  
02:07:04 Sen. Wittich

02:07:39 **Vote:** Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Vincent voting no. Sen. Brenden and Sen. Jent voted by proxy.

**Note:** Upon Sen. Jent's return and knowledge of proxy vote for SB 299 Do Pass As Amended, he requested that his vote be changed from aye to no. Receiving approval from Chairman Murphy, vote was changed. Result of the changed vote did not affect the passing of the bill. See changed motion/vote below:

**Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Vincent voting no. Sen. Brenden and Sen. Jent voted by proxy.

**ADJOURNMENT**

Adjournment: 9:45 A.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT([jus42aad.pdf](#))**