

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on March 22, 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. 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. Shannon Augare (D), Sen. Anders Blewett (D),  
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: SR 5, 3/6/2013; SR 6, 3/6/2013; SR 7, 3/6/2013; SR 27, 3/15/13

(Vice Chair Sales assumes Chairman's Role)

**HEARING ON SR 27**

**Opening Statement by Sponsor:**

00:21:37 Sen. Terry Murphy (R), SD 39, opened the hearing on SR 27, Confirm Governor's appointee as director of the department of corrections.

**Proponents' Testimony:**

00:22:13 Rep. Jesse O'Hara (R), HD 18, Great Falls, Montana

00:26:01 Mike Batista, self, Appointee, Director of Corrections (DOC), State of Montana  
[EXHIBIT\(jus62a01\)](#)

00:31:59 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

00:34:13 Jerry Williams, Executive Director, Montana Police Protective Association (MPPA), Montana Association of Chiefs of Police (MACOP)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:35:49 Sen. Fielder

00:36:33 Mr. Batista, DOC

**Closing by Sponsor:**

00:38:56 Sen. Murphy

(Chairman Murphy resumes Chairman's role)

**HEARING ON SR 5**

**Opening Statement by Sponsor:**

00:39:54 Sen. Larry Jent (D), SD 32, opened the hearing on SR 5, Senate resolution to confirm water judge of the Montana Water Court.

**Proponents' Testimony:**

00:45:13 Russ McElyea, self, Appointee, Associate Water Judge, Water Court (WC), State of Montana

00:53:19 Mike Murphy, Montana Water Resources Association (MWRA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:54:42 Sen. Fielder  
00:55:12 Judge McElyea, Appointee  
00:55:19 Sen. Sales  
00:55:40 Judge McElyea  
00:56:35 Sen. Vincent  
00:57:06 Judge McElyea  
00:58:40 Sen. Fielder  
00:59:19 Judge McElyea

**Closing by Sponsor:**

01:00:39 Sen. Jent

(Vice Chair Sales resumes the Chairman's role)

**HEARING ON SR 6**

**Opening Statement by Sponsor:**

01:02:59 Sen. Terry Murphy (R), SD 39, opened the hearing on SR 6, Confirm workers' compensation court judge.

**Proponents' Testimony:**

01:03:45 Jim Shea, self, Judge, Appointee, Workers' Compensation Court , State of Montana

[EXHIBIT\(jus62a02\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:14:31 Sen. Murphy

**HEARING ON SR 7**

**Opening Statement by Sponsor:**

01:15:22 Sen. Terry Murphy (R), SD 39, opened the hearing on SR 7, Confirm certain Governor's appointees related to public safety.

[EXHIBIT\(jus62a03\)](#)

**Proponents' Testimony:**

01:16:36 Hal Harper, self, Appointee, Chairman, Post Council, Public Safety Officer  
Standards and Training Council  
01:21:13 Rep. Jesse O'Hara (R), HD 18, Great Falls, Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:22:16 Sen. Fielder  
01:22:44 Mr. Harper, Appointee

**Closing by Sponsor:**

01:28:07 Sen. Murphy

(Chairman Murphy resumes the Chairman's role)

**ADJOURNMENT**

Adjournment: 10:15 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus62aad.pdf](#))**