

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Jim Shockley, on January 20, 2011 at 9:00 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Chair (R)
Sen. Terry Murphy, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)

Members Excused: None

Members Absent: Sen. Chas Vincent (R)

Staff Present: Valencia Lane, 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 24, 1/13/2011; SB 39, 1/13/2011; SB 40, 1/13/2011; SB 42,
1/13/2011

Executive Action: SB 39-Do Pass, SB 24-Do Pass

Committee Business:

00:05:11 Sen. Shockley
00:01:10 Sen. Augare
00:01:56 Sen. Peterson
00:02:37 Sen. Larsen
00:03:05 Sen. Blewett
00:04:49 Sen. Hutton
00:05:29 Sen. Moss
00:06:21 Sen. Jent
00:06:58 Sen. Hinkle
00:07:28 Sen. Murphy

HEARING ON SB 39**Opening Statement by Sponsor:**

00:09:28 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 39, Allow game wardens to issue MIP citations.

Proponents' Testimony:

00:11:29 Joe Maurier, Director, Fish, Wildlife and Parks, State of Montana (FWP)

[EXHIBIT\(jus15a01\)](#)

[EXHIBIT\(jus15a02\)](#)

[EXHIBIT\(jus15a03\)](#)

[EXHIBIT\(jus15a04\)](#)

[EXHIBIT\(jus15a05\)](#)

[EXHIBIT\(jus15a06\)](#)

00:17:32 George Golie, Montana Game Wardens Association

00:20:23 Kris Minard, self

Opponents' Testimony:

None

Informational Testimony:

00:21:35 Jim Smith, Montana County Attorneys Association (MCAA), Montana Sheriffs and Peace Officers Association (MSPOA)

Questions from Committee Members and Responses:

00:22:31 Sen. Hinkle
00:23:15 Jim Kropp, Chief, Enforcement Division, FWP
00:24:45 Kevin Cook, Game Warden, FWP
00:25:54 Sen. Jent
00:26:45 Mr. Cook

00:27:47 Sen. Jent
00:28:40 Mr. Kropp,
00:29:10 Sen. Larsen
00:29:55 Mr. Cook

Closing by Sponsor:

00:32:44 Sen. Shockley

HEARING ON SB 24

Opening Statement by Sponsor:

00:33:48 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 24, Revise involuntary commitment of alcoholics.

Proponents' Testimony:

00:36:08 Donald Harr, retired psychiatrist, American Foundation for Suicide Prevention/Montana Chapter

Opponents' Testimony:

None

Informational Testimony:

00:40:35 Larry Epstein, MCCA, Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:42:08 Sen. Shockley

(Without objection, Chairman Murphy allowed Sen. Shockley to present both bills at the same time due to their similarities. Persons testifying will indicate which or both bills they are supporting or opposing)

HEARING ON SB 40, HEARING ON SB 42

Opening Statement by Sponsor:

00:43:37 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 40, Statewide on-call judge for search warrants.

Sen. Jim Shockley (R), SD 45, opened the hearing on SB 42, Authorize warrants to obtain blood or breath test in DUI cases

Proponents' Testimony:

00:53:04 Mark Murphy, MCCA, MCPA, MPPA (both bills)
01:01:14 Scott Twito, Yellowstone County Attorney (SB 42)
01:04:37 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ) (SB 42)
01:07:57 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD) (SB 42)
01:13:39 Dave Carter, Senior Deputy County Attorney, Yellowstone County (SB 42)
01:16:31 Kris Minard, self (both bills)
01:17:55 Nikki Zupanic, American Civil Liberties Union (ACLU) (SB 42; not in support of Sen. Shockley's proposed amendment however)
01:22:19 Jessie Luther, Association of Montana Troopers (both bills)

Opponents' Testimony:

01:23:15 Larry Carver, Justice of the Peace, Judith Basin County, Montana Magistrates Association (SB 40)

EXHIBIT(jus15a07)

01:33:57 Harold Blattie, Executive Director, Montana Association of Counties (MACo) (SB 40)

EXHIBIT(jus15a08)

01:38:52 Mary Phippen, Montana Association of Clerks of District Court (SB 40)
01:40:20 Elena Gagliano, self (both bills)
01:44:00 Sen. Augare
01:44:21 Ms. Gagliano

Informational Testimony:

None

Questions from Committee Members and Responses:

01:45:15 Sen. Blewett
01:46:07 Mr. Carver
01:47:25 Sen. Blewett
01:47:51 Ms. Bovingdon

Closing by Sponsor:

01:48:42 Sen. Shockley

Comments:

01:52:33 Sen Shockley

(Sen. Peterson and Sen. Vincent absent from the room)

EXECUTIVE ACTION ON SB 39

01:53:44 **Motion/Vote:** Sen. Shockley moved that **SB 39 DO PASS**. Motion carried unanimously by roll call vote. Sen. Peterson and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 24

01:56:11 **Motion/Vote:** Sen. Shockley moved that **SB 24 DO PASS**. Motion carried 10-1 by roll call vote with Sen. Hinkle voting no. Sen. Peterson and Sen. Vincent voted by proxy.

Exhibit Distributed To Committee Members at the Conclusion of Hearing RE: SB 39

[EXHIBIT\(jus15a09\)](#)

ADJOURNMENT

Adjournment: 10:58 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus15aad.pdf](#))