

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Terry Murphy, on March 7, 2011 at 10:00 A.M., in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Jim Shockley, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Jeff Essmann (R)  
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:** Sen. Chas Vincent (R)

**Members Absent:** None

**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: HB 126, 3/1/2011; HB 374, 3/1/2011; HB 412, 3/1/2011

Executive Action: SB 10-Tabled, HB 126-Be Concurred In As Amended, HB 412-Be Concurred In, Motion Withdrawn (pending further provided information)

**HEARING ON HB 126**

**Opening Statement by Sponsor:**

00:00:42 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 126, Amend youth court act to clarify sentencing authority.

[EXHIBIT\(jus51a01\)](#)

**Proponents' Testimony:**

00:07:40 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ), State of Montana

[EXHIBIT\(jus51a02\)](#)

00:12:44 Mark Murphy, Montana County Attorney Association (MCAA)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:16:01 Sen. Shockley

00:16:34 Ms. Bovingdon

**Closing by Sponsor:**

00:16:45 Rep. Hansen

**HEARING ON HB 374**

**Opening Statement by Sponsor:**

00:17:18 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 374, Implement the Uniform Power of Attorney model law.

**Proponents' Testimony:**

00:23:43 Rose Hughes, Executive Director, Montana Health Care Association (MHCA)

[EXHIBIT\(jus51a03\)](#)

00:27:55 Lori Henderson, Administrator, Northern Montana Care Center, Havre, Montana

00:35:18 Claudia Clifford, Advocacy Director, America Association for Retired Persons/Montana (AARP/MT), also for Clyde Dailey, Montana Credit Unions (MCU)

[EXHIBIT\(jus51a04\)](#)

00:41:40 Kelley Hubbard, Assistant Attorney General, Consumer Protection Law, DOJ  
00:45:13 Dick Brown, Executive Director, Montana Hospital Association (MHA)  
00:45:54 Steve Turkiewicz, President/CEO, Montana Bankers Association (MBA)  
00:46:35 Beth Brenneman, Attorney, Disability Rights Montana (DR/MT)  
00:47:37 Aimee Grmoljez for Steve Yeakel, Montana Independent Bankers (MIB)  
00:48:07 Lynne Eagan, Deputy Secretary Commissioner, Insurance and Securities,  
Auditors Office, State of Montana  
00:49:21 Karen Powell, Montana Uniform Law Commissioners

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:51:42 Sen. Augare  
00:53:19 Ms. Hubbard  
00:54:06 Ms. Powell

**Closing by Sponsor:**

00:55:57 Rep. Hansen

**HEARING ON HB 412**

**Opening Statement by Sponsor:**

00:56:50 Rep. Bill Harris (R), HD 30, opened the hearing on HB 412, Disclosure of financial support of civil suits against industrial operations.

[\*\*EXHIBIT\(jus51a05\)\*\*](#)

**Proponents' Testimony:**

None

**Opponents' Testimony:**

00:59:40 Derf Johnson, Montana Environmental Information Services (MEIC)  
01:05:23 Clayton Elliott, Northern Plains Resource Council (NPRC)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:09:06 Sen. Larsen  
 01:09:49 Rep. Harris  
 01:14:24 Sen. Shockley  
 01:15:10 Mr. Johnson  
 01:16:49 Sen. Blewett  
 01:17:31 Mr. Johnson  
 01:18:15 Sen. Blewett  
 01:19:13 Rep. Harris  
 01:24:50 Sen. Shockley  
 01:25:15 Rep. Harris  
 01:28:03 Sen. Shockley  
 01:28:10 Mr. Johnson  
 01:28:58 Ann Hedges, MEIC  
 01:30:52 Sen. Essmann  
 01:31:37 Mr. Johnson  
 01:33:35 Ms. Hedges  
 01:34:00 Sen. Moss  
 01:34:44 Ms. Hedges  
 01:36:54 Sen. Essmann  
 01:37:06 Ms. Hedges

**Closing by Sponsor:**

01:37:24 Rep. Harris

**EXECUTIVE ACTION ON SB 10**

01:40:30 Chairman Murphy

01:40:49 **Motion/Vote:** Sen. Hinkle moved that **SB 10 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON HB 126**

01:42:14 **Motion:** Sen. Shockley moved that **HB 126 BE CONCURRED IN**.

01:42:40 **Motion/Vote:** Sen. Shockley moved that **HB 126 BE AMENDED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

**EXHIBIT(jus51a06)**

01:44:09 **Motion/Vote:** Sen. Shockley moved that **HB 126 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy. Sen. Larsen will carry the bill.

**EXECUTIVE ACTION ON HB 412**

01:45:05     **Motion:** Sen. Shockley moved that **HB 412 BE CONCURRED IN.**

**Discussion:**

01:45:28     Sen. Hinkle  
01:47:01     Sen. Blewett  
01:48:26     Sen. Murphy  
01:48:58     Sen. Jent  
01:53:03     Sen. Shockley  
01:55:08     Sen. Essmann  
01:56:08     Sen. Shockley **WITHDREW MOTION HB 412 BE CONCURRED IN.**  
01:56:20     Chairman Murphy

**EXHIBIT(jus51a07)**

Exhibit from Lori Henderson, Northern Montana Care Center, Havre, Montana in support of HB 374

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**ADJOURNMENT**

Adjournment: 11:56 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT**([jus51aad.pdf](#))