

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 7, 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. Anders Blewett (D)
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. 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: HB 71, 2/27/2013; HB 206, 2/27/2013; HB 335, 2/27/2013

Executive Action: HB 205-BE CONCURRED IN, HB 302-BE CONCURRED IN AS AMENDED, SB 362-TABLED

HEARING ON HB 206

Opening Statement by Sponsor:

00:15:09 Rep. Kelly Flynn (R), HD 68, opened the hearing on HB 206, Increase justice court filing fees.

Proponents' Testimony:

00:20:44 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

[EXHIBIT\(jus49a01\)](#)

[EXHIBIT\(jus49a02\)](#)

00:24:20 Mike Swingley, Justice of the Peace, Lewis and Clark County, Helena, Montana, Montana Magistrates Association (MMA)

00:30:06 Jessie Luther, Montana Collectors Association (MCA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:31:02 Sen. Driscoll

00:31:21 Judge Swingley

Closing by Sponsor:

00:31:53 Rep. Flynn

HEARING ON HB 71

Opening Statement by Sponsor:

00:32:44 Rep. Margaret (Margie) MacDonald (D), HD 54, opened the hearing on HB 71, Clarifying restorative justice laws and establish grant program.

[EXHIBIT\(jus49a03\)](#)

Proponents' Testimony:

00:38:16 Mark Murphy, Montana County Attorney Association (MCAA), Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)

00:39:10 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony: None

Informational Testimony:

00:41:08 Don Merritt, Bureau Chief, Montana Board of Crime Control (MBCC),
Department of Justice (DOJ), State of Montana

Questions from Committee Members and Responses:

00:42:38 Sen. Wittich
00:43:04 Rep. MacDonald
00:47:22 Sen. Fielder
00:47:38 Rep. MacDonald
00:49:17 Mr. Merritt, MBCC
00:50:29 Sen. Wittich
00:51:29 Rep. MacDonald
00:54:51 Sen. Murphy
00:55:30 Mr. Merritt

Closing by Sponsor:

00:56:19 Rep. MacDonald

HEARING ON HB 335**Opening Statement by Sponsor:**

00:57:38 Rep. Jennifer Eck (D), HD 82, opened the hearing on HB 335, Revise sexual
offender laws.

[EXHIBIT\(jus49a04\)](#)

Proponents' Testimony:

01:00:31 Ole Olson, Assistant Attorney General, Prosecutor, Department of Justice (DOJ),
State of Montana

[EXHIBIT\(jus49a05\)](#)

01:05:45 Derek VanLuchene, President, Ryan United (RU), Helena, Montana

01:11:19 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:18 Sen. Vincent
01:17:55 Mr. Olson, DOJ
01:21:40 Sen. Fielder
01:21:57 Mr. Olson
01:23:12 Sen. Boulanger
01:24:11 Mr. Murphy, MCAA

01:27:46 Sen. Vincent
01:28:24 Mr. VanLuchene, RU
01:29:08 Sen. Fielder
01:30:02 Rep. Eck
01:30:56 Mr. Olson

Closing by Sponsor:

01:31:18 Rep. Eck
01:32:15 Brief Recess
01:41:55 Reconvene

EXECUTIVE ACTION ON HB 205

01:42:53 **Motion:** Sen. Fielder moved that **HB 205 BE CONCURRED IN.**

Discussion:

01:43:05 Sen. Driscoll
01:43:49 Sen. Jent
01:44:58 Julianne Burkhardt, Legislative Services Division (LSD)
01:45:12 Sen. Wittich
01:45:48 Sen. Jent
01:47:57 Sen. Fielder
01:49:59 Sen. Sales
01:51:18 Sen. Larsen
01:51:47 Sen. Jent
01:54:57 Sen. Wittich
01:55:55 Sen. Vincent
01:58:39 Sen. Murphy

02:00:17 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Augare and Sen. Brenden voted by proxy. Sen. Vincent will carry the bill.

EXECUTIVE ACTION ON HB 302

02:01:38 **Motion:** Sen. Sales moved that **HB 302 BE CONCURRED IN.**

02:01:58 **Motion:** Sen. Wittich moved that **HB 302 BE AMENDED.**
[EXHIBIT\(jus49a06\)](#)

Discussion:

02:03:52 Sen. Boulanger
02:04:02 Sen. Wittich

02:04:51 **Vote:** Motion carried 8-4 by roll call vote with Sen. Boulanger, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Augare and Sen. Brenden voted by proxy.

02:04:56 **Motion:** Sen. Sales moved that **HB 302 BE CONCURRED IN AS AMENDED.**

Discussion:

02:05:05 Sen. Wittich

02:05:52 Sen. Jent

02:08:23 Sen. Larsen

02:08:52 Sen. Sales

02:10:29 Sen. Wittich

02:12:35 Sen. Murphy

02:12:41 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Augare and Sen. Brenden voted by proxy. Sen. Sales will carry the bill.

EXECUTIVE ACTION ON SB 362

Discussion:

02:14:49 Ms. Burkhardt, LSD

02:15:11 Sen. Wittich

02:17:22 **Motion:** Sen. Larsen moved that **SB 362 DO PASS.**

Discussion:

02:17:34 Sen. Jent

02:19:30 Sen. Fielder

02:22:14 Sen. Wittich

02:23:07 **Vote:** Motion failed 5-7 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Fielder and Sen. Larsen voting aye. Sen. Augare and Sen. Brenden voted by proxy.

02:23:45 **Motion/Vote:** Sen. Sales moved that **SB 362 BE TABLED AND THE VOTE REVERSED.** Motion carried by voice vote. Sen. Augare and Sen. Brenden voted by proxy.

ADJOURNMENT

Adjournment: 11:13 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus49aad.pdf](#))