

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 1-25-05

| NAMES | PRESENT | ABSENT | EXCUSED |
|-----------------------------------|---------|--------|---------|
| SEN. MICHAEL WHEAT, CHAIRMAN | X | | |
| SEN. BRENT CROMLEY | X | | |
| SEN. AUBYN CURTISS | X | | |
| SEN. JON ELLINGSON | X | | |
| SEN. JESSE LASLOVICH | X | | |
| SEN. JEFF MANGAN | X | | |
| SEN. DAN MCGEE | X | | |
| SEN. LYNDA MOSS | X | | |
| SEN. JERRY O'NEIL | X | | |
| SEN. GERALD PEASE | X | | |
| SEN. GARY PERRY | X | | |
| SEN. JIM SHOCKLEY | X | | |
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| VALENCIA LANE, LSD | X | | |
| MARI PREWETT, COMMITTEE SECRETARY | ✓ | | |
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SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 18** (first reading copy -- white) do pass.

Signed: _____

Senator Mike Wheat, Chair

- END -

Committee Vote:
Yes 12, No 0.

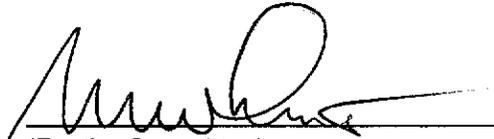
191206SC.ssc

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COMMITTEE FILE COPY

TABLED BILL

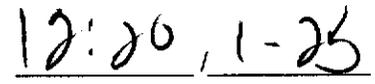
The **SENATE JUDICIARY COMMITTEE** TABLED SJ 5, by motion, on **Tuesday, January 25, 2005.**



(For the Committee)



(Secretary of Senate)



(Time) (Date)

January 25, 2005

Mari Prewett, Secretary

Phone: 4697



SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Joint Resolution 4** (first reading copy -- white) **do pass**.

Signed: _____


Senator Mike Wheat, Chair

- END -

Committee Vote:
Yes 12, No 0.

191218SC.ssc





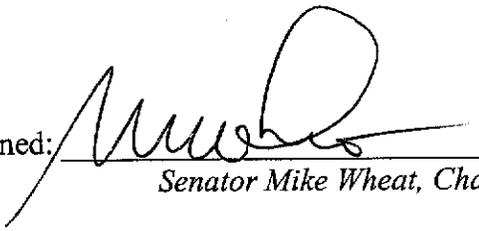
SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 181** (first reading copy -- white) do pass as amended.

Signed: 
Senator Mike Wheat, Chair

And, that such amendments read:

1. Page 2, line 2.

Following: "owner."

Insert: "The term does not include money, in any form, identification documents, or wallets, purses, bags, or similar items that are generally used to carry money or documents. For purposes of subsection (2)(a), all personal property in a vehicle is presumed to be the property of the owner of the vehicle unless there is evidence on or attached to an item of personal property indicating that it belongs to someone other than the owner of the vehicle or unless there is a signed statement of ownership as provided in subsection (2)(c).

(c) A person, other than the owner of a vehicle subject to a lien under subsection (2)(a), who claims ownership of an item of personal property in the vehicle may provide the lienholder with a signed statement containing the person's name, address, and phone number, a description of the personal property, a statement that the person is the lawful owner of the personal property, and a request for return of the personal property. Upon receipt of the signed statement, the lienholder shall release the personal property to the person submitting the statement. The signed statement must be treated as a statement under oath or equivalent affirmation for the purposes of 45-7-202, relating to the criminal offense of false swearing. Receipt of property under this subsection (2)(c) by a person with the intent to deprive the lawful owner of the property must be treated as theft under 45-6-301."

Committee Vote:

Yes 10, No 2.

191222SC.ssc

KF

- END -



SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 80** (first reading copy -- white) do pass as amended.

Signed: _____

Senator Mike Wheat, Chair

And, that such amendments read:

1. Page 1, line 25.

Following: "(3)"

Insert: "(a)"

2. Page 1, line 27.

Following: line 26

Insert: "(b) A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section."

3. Page 1, line 30.

Following: line 29

Strike: "not less than"

Following: "0.5%"

Insert: "or more"

- END -

Committee Vote:

Yes 11, No 1.

191306SC.ssc

KF



SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 208** (first reading copy -- white) **do pass.**

Signed: _____


Senator Mike Wheat, Chair

- END -

Committee Vote:
Yes 12, No 0.

191223SC.ssc



COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 220**, by motion, on **Tuesday, January 25, 2005**.



(For the Committee)



(Secretary of Senate)

12:20 / 1-25
(Time) (Date)

January 25, 2005

Mari Prewett, Secretary

Phone: 4697



SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 204** (first reading copy -- white) **do pass.**

Signed: _____

A handwritten signature in black ink, appearing to read "Mike Wheat", written over a horizontal line.

Senator Mike Wheat, Chair

- END -

Committee Vote:
Yes 9, No 3.

191224SC.ssc

Handwritten initials in black ink, possibly "RJ", located in the bottom right corner of the page.



SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 3

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 149** (first reading copy -- white) **do pass as amended.**

Signed: 
Senator Mike Wheat, Chair

And, that such amendments read:

1. Title, line 6 through line 7.

Following: "AMENDING" on line 6

Strike: "SECTIONS" on line 6 through "18-7-107" on line 7

Insert: "SECTION 18-4-302"

2. Title, line 7.

Following: "AN"

Strike: "EFFECTIVE"

Insert: "APPLICABILITY"

3. Page 1, line 11 through page 3, line 6.

Strike: everything after the enacting clause

Insert: "Section 1. Section 18-4-302, MCA, is amended to read:

"18-4-302. **Methods of source selection -- authorization for alternative procurement methods -- limitation on service contracts.** (1) Unless otherwise authorized by law, all state contracts for supplies and services must be awarded by a source selection method provided for in this title. Supplies or services offered for sale, lease, or rental by public utilities are exempt from this requirement if the prices of the supplies or services are regulated by the public service commission or other governmental authority.

(2) When the department or another agency opens bids or proposals, if a supplier's current publicly advertised or established catalog price is received at or before the time that the bids or proposals are opened and is less than the bid of the lowest responsible and responsive bidder or offeror or improves upon the conditions for the best proposal received using the same

Committee Vote:

Yes 9, No 3.

191225SC.ssc

KJ

factors and weights included in the proposal, the department or agency may reject all bids and purchase the supply from that supplier without meeting the requirements of 18-4-303 through 18-4-306.

(3) An office supply procured by the department's central stores program may be purchased by an agency, without meeting the requirements of 18-4-303 through 18-4-306, from a supplier whose publicly advertised price, established catalog price, or discount price offered to the agency is less than the price offered by the central stores program if the office supply conforms in all material respects to the terms, conditions, and quality offered by the central stores program. A state office supply term contract must include a provision by which the contracting parties acknowledge and agree to the provisions of this subsection.

(4) (a) Under rules adopted by the department, an agency may request from the department authorization for an alternative procurement method.

(b) A request for authorization must specify:

- (i) the problem to be solved;
- (ii) the proposed alternative procurement method;
- (iii) the reasons why the alternative procurement method may be more appropriate than a method authorized by law; and
- (iv) how competition and fairness will be achieved by the alternative procurement method.

(c) Within 30 days after receiving the request, the department shall:

- (i) evaluate the request;
- (ii) approve or deny the request; and
- (iii) issue a written statement providing the reasons for its decision.

(d) Whenever the department approves a request submitted under this section, the department:

- (i) may authorize the alternative procurement method on a trial basis; and
- (ii) if the alternative procurement method is employed, shall make a written determination as to the success of the method.

(e) If the department determines that the alternative procurement method is successful and should be an alternative that is generally available, it shall promulgate rules that establish the use of the alternative procurement method as an additional source selection method. The rules promulgated by the department under this subsection must reflect the purposes described in 18-4-122.

(5) (a) Except as provided in subsections (5) (b) through (5) (d), an agency may not enter into a contract for the purchase of services under this chapter unless the contract provides that only citizens of the United States, legal resident aliens, or individuals with a valid visa will perform the services under the contract or any subcontract under the contract.

(b) The provisions of subsection (5) (a) do not apply if expressly prohibited by the laws of the United States or by regulations or treaties adopted pursuant to federal law.

(c) The provisions of subsection (5) (a) do not apply if the department determines that there is no responsible vendor meeting the requirements of subsection (5) (a), that the cost of complying with subsection (5) (a) would create an economic hardship for the state, or that a contract in compliance with subsection (5) (a) would not be in the best interests of the state.

(d) The provisions of subsection (5) (a) do not apply to the board of investments provided for in 2-15-1808 or a university system unit as defined in 17-7-102. (Subsection (4) terminates June 30, 2005--sec. 29, Ch. 181, L. 2001.)"

Insert: "NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to solicitations issued on or after October 1, 2005."

- END -

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 1-25-05 BILL NO. 535 NUMBER 1

MOTION: Do Pass

| NAME | AYE | NO |
|---------------------------------------|-----|----|
| SEN. JERRY O'NEIL (R) | | ✓ |
| SEN. LYNDA MOSS (D) | ✓ | |
| SEN. JIM SHOCKLEY (R) | | ✓ |
| SEN. JON ELLINGSON (D) | | |
| SEN. GERALD PEASE (D) | | |
| SEN. JEFF MANGAN (D) | ✓ | |
| SEN. DAN MC GEE (R) | | ✓ |
| SEN. MICHAEL WHEAT (D), CHAIRMAN | ✓ | |
| SEN. BRENT CROMLEY (D), VICE CHAIRMAN | | ✓ |
| SEN. GARY PERRY (R) | | ✓ |
| SEN. JESSE LASLOVICH (D) | | ✓ |
| SEN. AUBYN CURTISS (R) | | ✓ |
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MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 1-25-05 BILL NO. SB 80 NUMBER 1

MOTION: Amendment SB 008001 av1

| NAME | AYE | NO |
|---------------------------------------|-----|----|
| SEN. JERRY O'NEIL (R) | X | |
| SEN. LYNDA MOSS (D) | | X |
| SEN. JIM SHOCKLEY (R) | X | |
| SEN. JON ELLINGSON (D) | | X |
| SEN. GERALD PEASE (D) | | X |
| SEN. JEFF MANGAN (D) | | X |
| SEN. DAN MC GEE (R) | X | |
| SEN. MICHAEL WHEAT (D), CHAIRMAN | | X |
| SEN. BRENT CROMLEY (D), VICE CHAIRMAN | | X |
| SEN. GARY PERRY (R) | | X |
| SEN. JESSE LASLOVICH (D) | X | |
| SEN. AUBYN CURTISS (R) | X | |
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MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 1-25-05 BILL NO. SB 220 NUMBER 1

MOTION: To Table

| NAME | AYE | NO |
|---------------------------------------|-----|----|
| SEN. JERRY O'NEIL (R) | X | |
| SEN. LYNDA MOSS (D) | | X |
| SEN. JIM SHOCKLEY (R) | | X |
| SEN. JON ELLINGSON (D) | | X |
| SEN. GERALD PEASE (D) | X | |
| SEN. JEFF MANGAN (D) | X | |
| SEN. DAN MC GEE (R) | | |
| SEN. MICHAEL WHEAT (D), CHAIRMAN | X | |
| SEN. BRENT CROMLEY (D), VICE CHAIRMAN | | X |
| SEN. GARY PERRY (R) | | X |
| SEN. JESSE LASLOVICH (D) | X | |
| SEN. AUBYN CURTISS (R) | | X |
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MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 1-25-05 BILL NO. SB 220 NUMBER 2

MOTION: To Table

| NAME | AYE | NO |
|---------------------------------------|-----|----|
| SEN. JERRY O'NEIL (R) | X | |
| SEN. LYNDA MOSS (D) | X | |
| SEN. JIM SHOCKLEY (R) | | X |
| SEN. JON ELLINGSON (D) | | X |
| SEN. GERALD PEASE (D) | X | |
| SEN. JEFF MANGAN (D) | X | |
| SEN. DAN MC GEE (R) | X | |
| SEN. MICHAEL WHEAT (D), CHAIRMAN | X | |
| SEN. BRENT CROMLEY (D), VICE CHAIRMAN | X | |
| SEN. GARY PERRY (R) | X | |
| SEN. JESSE LASLOVICH (D) | | |
| SEN. AUBYN CURTISS (R) | | X |
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MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 1-25-05 BILL NO. SB43 NUMBER 1

MOTION: Do Pass

| NAME | AYE | NO |
|---------------------------------------|-----|----|
| SEN. JERRY O'NEIL (R) | | X |
| SEN. LYNDA MOSS (D) | X | |
| SEN. JIM SHOCKLEY (R) | | X |
| SEN. JON ELLINGSON (D) | X | |
| SEN. GERALD PEASE (D) | X | |
| SEN. JEFF MANGAN (D) | X | |
| SEN. DAN MC GEE (R) | | X |
| SEN. MICHAEL WHEAT (D), CHAIRMAN | X | |
| SEN. BRENT CROMLEY (D), VICE CHAIRMAN | X | |
| SEN. GARY PERRY (R) | | X |
| SEN. JESSE LASLOVICH (D) | | X |
| SEN. AUBYN CURTISS (R) | | X |
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MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 1-25-05 BILL NO. SB 199 NUMBER 1

MOTION: on Amendment SB019901.avl

| NAME | AYE | NO |
|---------------------------------------|-----|-----------------|
| SEN. JERRY O'NEIL (R) | X | |
| SEN. LYNDA MOSS (D) | X | |
| SEN. JIM SHOCKLEY (R) | X | |
| SEN. JON ELLINGSON (D) | X | |
| SEN. GERALD PEASE (D) | X | |
| SEN. JEFF MANGAN (D) | X | |
| SEN. DAN MC GEE (R) | X | |
| SEN. MICHAEL WHEAT (D), CHAIRMAN | X | <i>by proxy</i> |
| SEN. BRENT CROMLEY (D), VICE CHAIRMAN | X | |
| SEN. GARY PERRY (R) | X | |
| SEN. JESSE LASLOVICH (D) | X | |
| SEN. AUBYN CURTISS (R) | X | |
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**MONTANA STATE SENATE
2005 LEGISLATURE**

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 1-25-05 BILL NO. SB 199 NUMBER 2

MOTION: do pass as amended

| NAME | AYE | NO |
|---------------------------------------|-----|----|
| SEN. JERRY O'NEIL (R) | | X |
| SEN. LYNDA MOSS (D) | X | |
| SEN. JIM SHOCKLEY (R) | | X |
| SEN. JON ELLINGSON (D) | X | |
| SEN. GERALD PEASE (D) | | X |
| SEN. JEFF MANGAN (D) | X | |
| SEN. DAN MC GEE (R) | | X |
| SEN. MICHAEL WHEAT (D), CHAIRMAN | X | |
| SEN. BRENT CROMLEY (D), VICE CHAIRMAN | X | |
| SEN. GARY PERRY (R) | | X |
| SEN. JESSE LASLOVICH (D) | X | |
| SEN. AUBYN CURTISS (R) | | X |
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MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 1-25-05 BILL NO. SB 202 NUMBER 1

MOTION: do pass as amended

| NAME | AYE | NO |
|---------------------------------------|-----|----|
| SEN. JERRY O'NEIL (R) | | X |
| SEN. LYNDA MOSS (D) | X | |
| SEN. JIM SHOCKLEY (R) | | X |
| SEN. JON ELLINGSON (D) | X | |
| SEN. GERALD PEASE (D) | | X |
| SEN. JEFF MANGAN (D) | X | |
| SEN. DAN MC GEE (R) | | X |
| SEN. MICHAEL WHEAT (D), CHAIRMAN | X | |
| SEN. BRENT CROMLEY (D), VICE CHAIRMAN | X | |
| SEN. GARY PERRY (R) | | X |
| SEN. JESSE LASLOVICH (D) | X | |
| SEN. AUBYN CURTISS (R) | | X |
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SB-43 No

PROXY VOTE

I, the undersigned, hereby authorize Senator Procy to

vote my proxy on any issue before the Senate Judiciary

Committee held on 1/25/, 2005.

- SB 199 - Amendment - aye
- SB 199 - As Amended - NO
- SB 202 - Amendment 01 - aye
- SB 202 - Amendment 02 - NO
- SB 202 - As Amended - No
- SB 204 - aye
- SB 149 - Amendment - aye
- SB 149 as Amended - aye

[Signature]
 SENATOR
 STATE OF MONTANA