

**MONTANA SENATE  
2005 LEGISLATURE**

**ROLL CALL**

**JUDICIARY**

DATE 2-1-05

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		
VALENCIA LANE, LSD	x		
MARI PREWETT, COMMITTEE SECRETARY	x		



## SENATE STANDING COMMITTEE REPORT

February 1, 2005

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 196** (first reading copy -- white) **do pass as amended.**

Signed:

  
Senator Mike Wheat, Chair

**And, that such amendments read:**

1. Title, lines 6 through 8.

**Following:** "HAZARD" on line 6

**Strike:** remainder of line 6 through "HAZARD" on line 8

2. Page 1, line 16.

**Following:** "means"

**Strike:** remainder of line 16

**Insert:** "a"

3. Page 1, line 17.

**Following:** the first "instrument,"

**Strike:** "procedure,"

**Following:** the first "or"

**Insert:** "manufactured"

**Following:** the second "instrument,"

**Strike:** "procedure,"

**Following:** the second "or"

**Insert:** "manufactured"

4. Page 1, line 18.

**Following:** "caused"

**Strike:** "or is likely to cause"

5. Page 1, line 20.

**Committee Vote:**

Yes 8, No 4.

251209SC.ssc

157

**Following:** "hazard"

**Strike:** "or any information that is relevant to the protection  
of"

**Insert:** "that endangers"

6. Page 1, line 23 through line 24.

**Following:** "hazard" on line 23

**Strike:** remainder of line 23 through "of" on line 24

**Insert:** "that endangers"

7. Page 2, line 1 through line 4.

**Following:** "27-6-103"

**Strike:** ":" on line 1 through "care" on line 4

8. Page 2, line 12 through line 13.

**Following:** "hazard" on line 12

**Strike:** remainder of line 12 through "hazard" on line 13

- END -



## SENATE STANDING COMMITTEE REPORT

February 1, 2005

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 200** (first reading copy -- white) do pass as amended.

Signed:

A handwritten signature in cursive script, appearing to read "Mike Wheat".

*Senator Mike Wheat, Chair*

**And, that such amendments read:**

1. Title, page 1, line 5 through line 6.

**Strike:** "REQUIRING" on line 5 through "HELENA;" on line 6

2. Title, page 1, line 8.

**Following:** "3-7-202,"

**Insert:** "AND"

**Strike:** "AND 3-7-222,"

**Following:** "PROVIDING"

**Insert:** "AN IMMEDIATE"

3. Title, page 1, line 9.

**Strike:** "DATES"

**Insert:** "DATE"

4. Page 3, line 8 through line 14.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

5. Page 3, line 21.

**Strike:** "7"

**Insert:** "6"

6. Page 3, line 22.

**Following:** "[section"

**Strike:** "7"

**Insert:** "6"

**Committee Vote:**

Yes 11, No 1.

251210SC.ssc

Handwritten initials, possibly "KJ", in the bottom right corner.

7. Page 3, line 24.

**Strike:** "dates"

**Insert:** "date"

**Strike:** "(1)" through "[this"

**Insert:** "[This"

8. Page 3, line 26.

**Strike:** subsection (2) in its entirety

- END -



## SENATE STANDING COMMITTEE REPORT

February 1, 2005

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 231** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Mike Wheat, Chair*

**And, that such amendments read:**

1. Title, line 16 through line 18.  
**Strike:** "PROVIDING" on line 16 through "ACCOUNT;" on line 18
2. Title, line 18.  
**Following:** "27-1-717,"  
**Insert:** "AND"
3. Title, line 19.  
**Following:** "28-1-1001,"  
**Strike:** "AND 72-6-211,"
4. Page 2, line 16.  
**Following:** "the"  
**Strike:** "district"
5. Page 2, line 27.  
**Following:** "envelope"  
**Insert:** ", postage prepaid, and deposit it in the post office"
6. Page 2, line 27 through line 28.  
**Following:** "sent it" on line 27  
**Strike:** remainder of line 27 through "prepaid" on line 28  
**Insert:** ", who shall return it to the clerk of court according to the provisions and timeframes of subsection (1) "
7. Page 6, line 4.  
**Following:** "section."  
**Insert:** "However, the statute of limitations may not extend

**Committee Vote:**

Yes 7, No 5.

251334SC.ssc

beyond 6 years from the date of the original notice."

8. Page 6, line 13.

**Following:** "transferable."

**Insert:** "(1)"

9. Page 6, line 15 through line 20.

**Following:** "transfer." on line 15

**Strike:** remainder of line 15 through "assignor." on line 20

**Insert:** "(2) A person obligated to pay money may discharge the obligation by paying the person to whom the money is owed up to the time of a transfer of the right to receive the money. If, after a transfer of the right to receive the money, the debtor pays the assignor, payment of the original obligation to the assignor is a credit against the debt but does not abrogate or otherwise affect the assignee's remedies for penalties, collection costs, or other amounts owing. The provisions of this subsection (2) apply only if:

(a) the payee or the payee's assignee has notified the debtor of the assignment and has made a written demand for payment as required under 27-1-717(2) not less than 10 days before commencing an action for payment; and

(b) the payee has failed to tender an amount of money equal to the amount demanded prior to the commencement of the action."

10. Page 6, line 22 through page 7, line 8.

**Strike:** section 8 in its entirety

- END -



## SENATE STANDING COMMITTEE REPORT

February 1, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 260** (first reading copy -- white) **do pass.**

Signed:



*Senator Mike Wheat, Chair*

- END -

**Committee Vote:**  
Yes 7, No 5.

251211SC.ssc



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**COMMITTEE FILE COPY**

**TABLED BILL**

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 241**, by motion, on **Tuesday, February 1, 2005**.

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(Secretary of Senate)

12:03, 2-1  
(Time) (Date)

February 1, 2005

Mari Prewett, Secretary

Phone: 4697

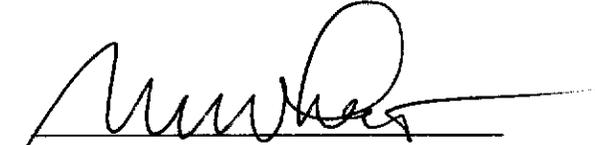
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**COMMITTEE FILE COPY**

**TABLED BILL**

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 252**, by motion, on **Tuesday, February 1, 2005**.

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(Secretary of Senate)

12:05, 2-1  
(Time) (Date)

February 1, 2005

Mari Prewett, Secretary

Phone: 4697

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MONTANA STATE SENATE  
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-1-05 BILL NO. SB196 NUMBER 1

MOTION: Do Pass as Amended

NAME	AYE	NO
SEN. JERRY O'NEIL (R)	X	
SEN. LYNDA MOSS (D)	Y	
SEN. JIM SHOCKLEY (R)	Y	
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)	X	
SEN. JEFF MANGAN (D)	Y	
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)	Y	
SEN. AUBYN CURTISS (R)		X

8 4

MONTANA STATE SENATE  
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-1-05 BILL NO. SB 241 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	

4 8

MONTANA STATE SENATE  
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-1-05 BILL NO. SB 252 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)		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

6 6

MONTANA STATE SENATE  
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-1-05 BILL NO. SB 252 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)	X	
SEN. AUBYN CURTISS (R)		X

8 4

MONTANA STATE SENATE  
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-1-05 BILL NO. SB 260 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	

7 5

PROXY VOTE

I, the undersigned, hereby authorize Senator Dan McGee to  
vote my proxy on any issue before the Senate Judiciary

Committee held on 2/1, 2005.

SB 200 = Aye  
SB 231 =  
    amd 23102 = Aye  
    amd 23101 =

  
SENATOR  
STATE OF MONTANA Perry

PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE

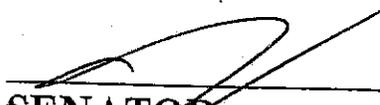
SENATOR McBee TO VOTE MY PROXY

ON ANY ISSUE BEFORE THE SENATE COMMITTEE

ON SB252 MEETING HELD ON 1 Feb 05,

2003.

*NO on Bill  
Yes to table*

  
\_\_\_\_\_  
SENATOR  
STATE OF MONTANA

PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE

SENATOR ~~Stitt~~ <sup>McBee</sup> TO VOTE MY PROXY

ON ANY ISSUE BEFORE THE SENATE COMMITTEE

ON SB260 MEETING HELD ON 1 FEB 05  
2003.

~~\_\_\_\_\_~~  
SENATOR  
STATE OF MONTANA

(AP)

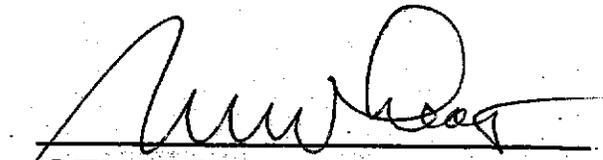
PROXY VOTE

I, the undersigned, hereby authorize Senator ELLINGSBY to

vote my proxy on any issue before the Senate JUDICIARY

Committee held on \_\_\_\_\_ 2/1 , 2005.

241 N  
~~251 N~~  
~~252 N~~  
~~260 N~~

  
\_\_\_\_\_  
SENATOR  
STATE OF MONTANA

PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE

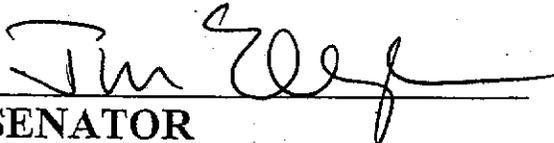
SENATOR WATSON TO VOTE MY PROXY

ON ANY ISSUE BEFORE THE SENATE COMMITTEE

ON 2/1 MEETING HELD ON \_\_\_\_\_,

~~2003.~~ 2005

260 NO.

  
\_\_\_\_\_  
SENATOR  
STATE OF MONTANA

Amendments to Senate Bill No. 231  
1st Reading Copy

Requested by Senator Jesse Laslovich

For the Senate Judiciary Committee

Prepared by Valencia Lane  
February 1, 2005 (1:09pm)

1. Title, line 16 through line 18.  
**Strike:** "PROVIDING" on line 16 through "ACCOUNT;" on line 18
2. Title, line 18.  
**Following:** "27-1-717,"  
**Insert:** "AND"
3. Title, line 19.  
**Following:** "28-1-1001,"  
**Strike:** "AND 72-6-211,"
4. Page 2, line 16.  
**Following:** "the"  
**Strike:** "district"
5. Page 2, line 27.  
**Following:** "envelope"  
**Insert:** ", postage prepaid, and deposit it in the post office"
6. Page 2, line 27 through line 28.  
**Following:** "sent it" on line 27  
**Strike:** remainder of line 27 through "prepaid" on line 28  
**Insert:** ", who shall return it to the clerk of court according to the provisions and timeframes of subsection (1)"
7. Page 6, line 4.  
**Following:** "section."  
**Insert:** "However, the statute of limitations may not extend beyond 6 years from the date of the original notice."
8. Page 6, line 13.  
**Following:** "**transferable.**"  
**Insert:** "(1)"
9. Page 6, line 15 through line 20.  
**Following:** "transfer." on line 15  
**Strike:** remainder of line 15 through "assignor." on line 20  
**Insert:** "(2) A person obligated to pay money may discharge the obligation by paying the person to whom the money is owed up to the time of a transfer of the right to receive the money."



American Civil Liberties Union  
of Montana  
Power Block, Level 4  
P.O. Box 1317  
Helena, MT 59624

Tuesday, February 01, 2005

RE: SB 2

Members of the Senate Judiciary Committee.

I was unable to be in two places at once yesterday. I needed to be in attendance at the appropriations sub-committee on corrections at the same time you were hearing SB 2, Sponsored by Sen. Laible.

I hope I am not too late in offering you these words and that you will consider our concerns with this legislation before you vote on SB 2.

The founders of this nation were very clear when they created these United States. As author Susan Jacoby describes in her book Free Thinkers, Madison and Jefferson found coalition to create the world's first secular government. That is clearly reflected in the first sixteen words of the first amendment in our Bill of Rights. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," reflecting the concerns of the rationalists to have government free from religion and evangelicals who wanted to protect their free exercise of their own religions.

James Madison, in a letter written objecting to the use of government land for churches, wrote in 1803 that "the purpose of separation of church and state is to keep forever from these shores the ceaseless strife that has soaked the soil of Europe in blood for centuries". Madison's wisdom is indisputable as we look back in history and as we view the world today.

Nowhere in our constitution do we find mention of God. There is clarity however in Article VI, Clause 3, when it makes clear that legislators, members of the executive and judicial branches, of the federal and state governments, "Shall be bound by **Oath or Affirmation**, to support this Constitution; but **no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.**" (emphasis mine.)

At this time in history, when we are clearly a divided people, it seems unwise for public elected officials to accentuate our differences. I believe that is exactly what would happen were this bill to become law. Everyone has a right in this country to believe in whatever religion they wish, or to believe in no religion at all. It should make no difference as to their standing in the eyes of the government. If there is a need to promote mottos, may I suggest something that is aimed at including everyone, like "United We Stand" or the Latin motto suggested by the first Great Seal committee in 1776, well known to literate Americans of the 18<sup>th</sup> Century "E pluribus unum". The preferred English translation is: "Out of many, one."

Respectfully,

Scott Crichton, Executive Director

