MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 2-17-05

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

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 378** (first reading copy -- white)

do pass as amended.

Signed: _____
Senator Mike Wheat, Chair

And, that such amendments read:

1. Page 1, line 11.
Following: "**insurance**"
Strike: "**limits**"
Insert: "information"

2. Page 1, line 13.
Following: "upon the"
Strike: "parties against whom an action may be brought"
Insert: "insurer of a potentially responsible party"

3. Page 1, line 14.
Following: "and"
Strike: "liability"
Following: "any"
Insert: "liability"

4. Page 1, line 16.
Following: "the"
Strike: "parties"
Insert: "party"

5. Page 1, line 17.
Following: line 16
Insert: "(2) The request must be signed by the attorney for the requesting party, or by the requesting party if unrepresented, and must include a statement that:
(a) the request is made for the purpose of evaluating a claim for personal injury or death;

Committee Vote:
Yes 7, No 5.

401108SC.ssc

KA

(b) to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the claim is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and

(c) the request is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."

Renumber: subsequent subsection

6. Page 1, line 17.
Following: "The"
Strike: "parties against whom a claim is alleged"
Insert: "insurer"

7. Page 1, line 18.
Following: "within"
Strike: "15"
Insert: "45"

8. Page 1, line 19.
Following: line 18
Strike: the first "parties"
Insert: "insurer"
Following: "on the"
Strike: "parties"
Insert: "insurer"

9. Page 1, line 23.
Following: line 22
Insert: "(4) Disclosure of information by an insurer pursuant to subsection (1) must be made in accordance with the provisions of the Insurance Information and Privacy Protection Act, Title 33, chapter 19."

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 385** (first reading copy -- white)

do pass as amended.

Signed: _____
Senator Mike Wheat, Chair

And, that such amendments read:

1. Title, line 8.
Following: "AGENCY;"
Insert: "PROVIDING FOR SETTING PRIORITIES;"

2. Page 1, line 24.
Strike: "represent the interests of children,"
Insert: "assist"
Following: "members"
Strike: ","

3. Page 1, line 25 through page 2, line 1.
Following: "custodians" on line 25
Strike: remainder of line 25 through "52-2-304" on page 2, line 1
Insert: "in their interactions with the department of public health and human services, including any complaints or grievances they have against the department with regard to the department's responsibilities under Title 41, chapter 3"

4. Page 2, line 3.
Following: "allegations"
Insert: "regarding the public mental health system"

Committee Vote:
Yes 9, No 3.

401131SC.ssc

KY

5. Page 2, line 4.
Following: "investigating"
Insert: "the public mental health system"

6. Page 2, line 6.
Following: "changes"
Insert: "in the public mental health system and in the agencies charged with the prevention, identification, and treatment of child abuse and neglect"

7. Page 2, line 10.
Following: "agency"
Insert: "public"
Strike: "including"
Insert: "and"

8. Page 2, line 11.
Following: "authorization"
Insert: "from those holding privacy interests"
Strike: "those"
Insert: "records"

9. Page 2, line 23.
Strike: "The"
Insert: "With respect to its duties related to mental health services, the"

10. Page 5, line 12.
Following: "2-15-210"
Insert: "if the ombudsman obtains written authorization as required by 2-15-210(6)"

11. Page 5, lines 15 and 16.
Following: "advocate" on line 15
Strike: remainder of line 15 through "2-15-210" on line 16

12. Page 6, line 18.
Following: "duties"
Insert: "concerning mental health services as"

13. Page 7, line 16.

Following: "2-15-210"
Insert: "if the ombudsman obtains written authorization as required by 2-15-210(6)"

14. Page 8, line 12.
Strike: "and family"
Following: "health"
Insert: "and family"

15. Page 8, line 14.
Insert: "NEW SECTION. **Section 6. Priorities.** It is the intent of the legislature that the mental health and family ombudsman prioritize the duties for assisting immediate and extended family members and child custodians in the following order:

(1) assist families in interacting with the department of public health and human services, including the use of the department's grievance procedure;

(2) based on the experience of the ombudsman, recommend systemic changes or activities to improve the functioning of agencies charged with the prevention, identification, and treatment of child abuse and neglect; and

(3) issue reports to the governor and the legislature concerning the recommendations in subsection (2)."

Insert: "NEW SECTION. **Section 7. Codification instruction.** [Section 6] is intended to be codified as an integral part of Title 2, chapter 15, part 2, and the provisions of Title 2, chapter 15, part 2, apply to [section 6]."

- END -

SENATE STANDING COMMITTEE REPORT

February 18, 2005

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 402** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Mike Wheat, Chair

And, that such amendments read:

1. Page 1, line 9.
Following: "requirements"
Insert: "-- definition"
Following: "requirements."
Insert: "(1)"

2. Page 1, line 11.
Following: "50-15-221"
Insert: "(4)"

3. Page 1, line 12.
Following: "50-15-403."
Insert: "Upon request, a certificate of stillbirth must be provided to a parent."

4. Page 1, line 13.
Following: line 12
Insert: "(2) As used in this section, "stillbirth" means the delivery of a fetus that did not show any signs of life."

- END -

Committee Vote:
Yes 9, No 3.

401114SC.ssc

KA

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 462** (first reading copy -- white) **do pass.**

Signed: _____
Senator Mike Wheat, Chair

- END -

Committee Vote:
Yes 7, No 5.

401115SC.ssc

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 407** (first reading copy -- white) **do pass.**

Signed: *Senator Mike Wheat, Chair*

- END -

Committee Vote:
Yes 8, No 4.

401116SC.ssc

SENATE STANDING COMMITTEE REPORT

February 18, 2005

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 426** (first reading copy -- white) **do pass as amended.**

Signed: *Senator Mike Wheat, Chair*

And, that such amendments read:

1. Page 8, line 26 through line 27.
Following: "sealed" on line 26
Strike: remainder of line 26 through "ends" on line 27
Insert: "on the youth's 18th birthday"

2. Page 9, line 6.
Following: "apply to"
Insert: "medical records,"

3. Page 9, line 17.
Following: "services"
Insert: "and by the department"

4. Page 9, line 19.
Following: "services"
Insert: "and the department"

5. Page 9, line 20.
Following: "in the"
Insert: "respective"

6. Page 9, line 23.
Following: "services"

Committee Vote:
Yes 12, No 0.

401118SC.ssc

Insert: "or by the department"

7. Page 10, line 15.
Insert: "(9) Nothing in this section prohibits the intraagency use or information sharing of formal or informal youth court records within the department's youth management information system. Electronic records of the department's youth management information system may not be shared except as provided in subsection (5). If a person authorized under 41-5-215 is in need of a copy of a record that is in electronic form, the department shall make only a physical copy of the record that is authorized and the person receiving the record shall destroy the record after it has fulfilled its purpose or as provided in subsection (2) of this section."

8. Page 10, line 16.
Following: "separate"
Insert: "-- formal policies and administrative rules required"
Following: "(1)"
Insert: "(a)"

9. Page 10, line 20.
Following: line 19
Insert: "(b) The office of the court administrator shall adopt formal policies, and the department shall adopt administrative rules to institute the requirements in subsection (1)(a)."

10. Page 10, line 23.
Following: "inaccessible"
Insert: "and unrecoverable"

11. Page 10, line 24.
Following: "protected"
Insert: ", which may include disassociating the offense and disposition information from the name of the youth"

12. Page 11, line 5.
Following: "copies of"
Insert: "formal and informal youth court records, including"

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 429** (first reading copy -- white)

do pass as amended.

Signed: _____
Senator Mike Wheat, Chair

And, that such amendments read:

1. Page 1, line 10 through page 2, line 1.
Strike: section 1 in its entirety
Renumber: subsequent sections

2. Page 2, line 3.
Following: "**installation**"
Strike: "**-- disclosures**"

3. Page 2, line 7.
Following: "state"
Strike: "sufficient"

4. Page 2, line 22 through line 30.
Strike: subsections (6) through (8) in their entirety
Insert: "(6) (a) For purposes of this section, "electronic tracking device" means a device that:

(i) utilizes global positioning systems, ultrahigh frequency (UHF), very high frequency (VHF), cellular, microwave, or other electronic technology;

(ii) transmits or receives by electronic or mechanical means; and

(iii) when attached to a vehicle or other movable object, reveals the location or movement of the vehicle or other movable object.

(b) The term does not include an electronic device used to monitor the location of a criminal offender who is placed on probation, is monitored as a condition of bail, or is released from incarceration while the offender remains under the active

Committee Vote:
Yes 12, No 0.

401117SC.ssc

supervision of the state."

5. Page 3, lines 2 through 6.
Strike: section 3 in its entirety
Renumber: subsequent section

6. Page 3, line 8.
Strike: "[Sections 1 through 3] are"
Insert: "[Section 1] is"

7. Page 3, line 9 through line 10.
Following: "apply to" on line 9

Strike: "[sections 1 through 3]"
Insert: "[section 1]"

- END -

SENATE STANDING COMMITTEE REPORT

February 21, 2005

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 435** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Mike Wheat, Chair

And, that such amendments read:

1. Title, line 6.
Following: "AN"
Strike: "IMMEDIATE"

2. Page 3, line 20.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 2005"

- END -

Committee Vote:
Yes 12, No 0.

421501SC.ssc

SENATE STANDING COMMITTEE REPORT

February 18, 2005

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 447** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Mike Wheat, Chair

And, that such amendments read:

1. Page 13, line 17.
Following: "13-27-312(3)"
Insert: "and subject to 13-27-312(5)"

2. Page 13, line 17 through line 18.
Following: "implication" on line 17
Strike: "," on line 17 through "legislature" on line 18

3. Page 14, line 15.
Following: "notice"
Strike: "of a proposed ballot issue's rejection"

- END -

Committee Vote:
Yes 8, No 4.

401130SC.ssc

KF

SENATE STANDING COMMITTEE REPORT

February 17, 2005

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Joint Resolution 23** (first reading copy -- white) **do pass**.

Signed: _____
Senator Mike Wheat, Chair

- END -

Committee Vote:
Yes 12, No 0.

391218SC.ssc

SENATE STANDING COMMITTEE REPORT

February 17, 2005

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 470** (first reading copy -- white) **do pass**.

Signed: _____
Senator Mike Wheat, Chair

- END -

Committee Vote:
Yes 10, No 2.

391217SC.ssc

Kf

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 452**, by motion, on **Thursday, February 17, 2005**.

(For the Committee)

(Secretary of Senate)

12:03, 2-17
(Time) (Date)

February 17, 2005 Mari Prewett, Secretary Phone: 4697

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SJ 25**, by motion, on **Thursday, February 17, 2005.**

(For the Committee)

(Secretary of Senate)

12:05, 2-17
(Time) (Date)

February 17, 2005

Mari Prewett, Secretary

Phone: 4697

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 483**, by motion, on **Thursday, February 17, 2005**.

(For the Committee)

(Secretary of Senate)

11:35 2-18
(Time) (Date)

February 18, 2005 Mari Prewett, Secretary Phone: 4697

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 482**, by motion, on **Thursday, February 17, 2005**.

(For the Committee)

(Secretary of Senate)

11:35 2-18
(Time) (Date)

February 18, 2005

Mari Prewett, Secretary

Phone: 4697

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 408**, by motion, on **Thursday, February 17, 2005**.

(For the Committee)

(Secretary of Senate)

11:35 2-18
(Time) (Date)

February 18, 2005 Mari Prewett, Secretary Phone: 4697

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 436**, by motion, on **Thursday, February 17, 2005**.

(For the Committee)

(Secretary of Senate)

11:30 2-18
(Time) (Date)

February 18, 2005

Mari Prewett, Secretary

Phone: 4697

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-17-05 BILL NO. SB 258 NUMBER 1

MOTION: Amendment SB 025801.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	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)		X
SEN. JESSE LASLOVICH (D)	X	
SEN. AUBYN CURTISS (R)		X
	7	5

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-18-05 BILL NO. SB 258 NUMBER 2

MOTION: O'Neil conceptual amendment

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 2/17/05 BILL NO. HB 258 NUMBER 3

MOTION: do pass as amendment

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 2/17/05 BILL NO. SB 378 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

7 5

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-17-05 BILL NO. JB 402 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	
	9	3

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 2-17-05 BILL NO. SB 462 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

MONTANA SENATE
2005 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 2-17-05 BILL NO. SJ-25 NUMBER 1

MOTION: do pass

NAME	AYE	NO
SEN. O'NEIL		X
SEN. MOSS	X	
SEN. SHOCKLEY		X
SEN. ELLINGSON	X	
SEN. PEASE	X	
SEN. MANGAN		X
SEN. MCGEE		X
CHAIRMAN WHEAT	X	
SEN. CROMLEY	X	
SEN. PERRY		X
SEN. LASLOVICH		X
SEN. CURTISS		X
	5	7

Reverse Vote — Table

MONTANA SENATE
2005 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 2-17-05 BILL NO. SB 453 NUMBER 1

MOTION:

NAME	AYE	NO
SEN. O'NEIL	X	
SEN. MOSS		X
SEN. SHOCKLEY	X	
SEN. ELLINGSON		X
SEN. PEASE		X
SEN. MANGAN		X
SEN. MCGEE		
CHAIRMAN WHEAT		X
SEN. CROMLEY		X
SEN. PERRY	X	
SEN. LASLOVICH	X	
SEN. CURTISS	X	
	4	6

~~Rules and Title~~

MONTANA SENATE
2005 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 2-17-05 BILL NO. SB 470 NUMBER 1

MOTION: do pass

NAME	AYE	NO
SEN. O'NEIL	X	
SEN. MOSS	X	
SEN. SHOCKLEY	X	
SEN. ELLINGSON	X	
SEN. PEASE	X	
SEN. MANGAN		X
SEN. MCGEE	X	
CHAIRMAN WHEAT	X	
SEN. CROMLEY		X
SEN. PERRY	X	
SEN. LASLOVICH	X	
SEN. CURTISS	X	
	10	2

MONTANA SENATE
2005 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 2-17-05 **BILL NO.** SB 452 **NUMBER** 1

MOTION: To Table

NAME	AYE	NO
SEN. O'NEIL	X	
SEN. MOSS	X	
SEN. SHOCKLEY	X	
SEN. ELLINGSON		X
SEN. PEASE	X	
SEN. MANGAN		X
SEN. McGEE	X	
CHAIRMAN WHEAT		X
SEN. CROMLEY		X
SEN. PERRY		X
SEN. LASLOVICH	X	
SEN. CURTISS	X	
	X	
	7	5

PROXY VOTE

I, the undersigned, hereby authorize Senator WHEAT to vote my proxy on any issue before the Senate Judiciary Committee held on 2-17, 2005.

SB 426	As Amended	YES
SB 429	" "	YES
SB 435	" "	YES
SB 436	TABLED	YES
SB 447	As Amended	YES

SENATOR
STATE OF MONTANA