

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on January 23, 2007
at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused:

Sen. Carol C. Juneau (D)
Sen. David E. Wanzonried (D)
Sen. Carol Williams (D)

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

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: SB 249, 1/20/2007; SB 263,
1/20/2007; SB 144, 1/20/2007; SB
143, 1/20/2007; SJ 2, 1/20/2007
Executive Action: SB 144, SJ 2, SB 74, SB 193

HEARING ON SB 249

Opening Statement by Sponsor:

00:01:36 **SEN. GREGORY BARKUS (R), SD 4**, opened the hearing on **SB 249**, Revise workforce drug and alcohol testing law.

Proponents:

00:04:04 Rebecca Sturdevant

Opponents: None.

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:15 Sen. McGee to Sen. Barkus

00:09:42 Sen. McGee to Rebecca Sturdevant

00:14:26 Sen. O'Neil to Rebecca Sturdevant

00:16:18 Sen. McGee to Sen. Barkus

00:16:53 Sen. Shockley to Rebecca Sturdevant

00:18:27 Sen. O'Neil to Scott Crichton, American Civil Liberties Union (ACLU)

00:22:41 Sen. Shockley to Scott Crichton

00:26:18 Sen. McGee to Sen. Greg Lind

00:29:50 Sen. McGee to Sen. Barkus

00:30:46 Sen. Perry to Sen. Lind

00:32:08 Sen. Laslovich to Ms. Sturdevant

Closing by Sponsor:

00:34:02 Sen. Barkus

HEARING ON SB 263

Opening Statement by Sponsor:

00:35:18 SEN. GREG LIND (D), SD 50, opened the hearing on SB 263, DUI license plates.

EXHIBIT (jus15a01)

Proponents: None.

Opponents:

00:41:50 Ronda Wiggers, County Treasurers Association

Informational Testimony: None.

Questions from Committee Members and Responses:

00:45:44 Sen. Jent to Sen. Lind
00:47:37 Sen. Moss to Sen. Lind
00:49:37 Sen. Perry to Sen. Lind
00:54:15 Sen. McGee to Sen. Lind
00:56:30 Sen. O'Neil to Sen. Lind
00:58:26 Sen. O'Neil to Scott Crichton
00:59:10 Sen. Laslovich to Sen. Lind

Closing by Sponsor:

01:02:59 Sen. Lind

HEARING ON SB 144

Opening Statement by Sponsor:

01:03:57 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 144, DUI license plates.

01:05:06 Sen. Shockley requested that SB 144 be tabled.

Proponents: None.

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor: None.

EXECUTIVE ACTION ON SB 144

01:05:43 **Motion/Vote:** SEN. SHOCKLEY moved that SB 144 BE TABLED. Motion carried unanimously by voice vote. SEN. WANZENRIED, SEN. WILLIAMS, and SEN. JUNEAU voted aye by proxy.

HEARING ON SB 143

Opening Statement by Sponsor:

01:06:35 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 143, Revise boating under the influence laws.

Proponents:

01:12:34 Jim Kropp, Montana Department of Fish, Wildlife, and Parks (FWP)

EXHIBIT (jus15a02)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:15:45 Sen. Jent to Randy Arnold, FWP

01:19:55 Sen. Perry to Sen. Shockley

01:20:55 Sen. Perry to Jim Kropp, FWP

01:21:53 Sen. Perry to Sen. Shockley

01:26:39 Sen. McGee to Sen. Shockley

01:29:57 Sen. Laslovich to Jim Kropp, FWP

Closing by Sponsor:

01:33:46 Sen. Shockley

HEARING ON SJ 2

Opening Statement by Sponsor:

01:34:53 **SEN. FRANK SMITH (D), SD 16**, opened the hearing on **SJ 2**, Study DUI laws.

Proponents:

01:36:50 Don Hargrove, Montana Association of State Prisons (MASP)

01:40:16 Jim Smith, Montana Association of County Attorneys and Sheriffs

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:42:20 Sen. O'Neil to Sen. Smith

01:43:32 Sen. Shockley to Sen. Smith

01:45:03 Sen. Perry to Don Hargrove, MASP

01:48:41 Sen. Shockley

Closing by Sponsor:

01:49:09 Sen. Smith

01:50:41 Break

02:16:08 Resume

EXECUTIVE ACTION ON SJ 2

Discussion:

02:17:50 Sen. Laslovich

02:17:54 **Motion:** SEN. MOSS moved that SJ 2 DO PASS.

Discussion:

02:18:06 Sen. O'Neil

02:18:31 Sen. Perry

02:21:21 Sen. Shockley

02:22:02 Sen. Perry

02:22:18 Sen. McGee

02:26:38 Sen. Jent

02:29:16 Sen. Moss

02:31:06 Sen. O'Neil

02:33:11 Valencia Lane, Staff Attorney, Legislative Services
Division (LSD)

02:34:07 Sen. Perry

02:35:44 Sen. McGee

02:36:08 Ms. Lane, LSD

02:36:27 **Motion/Vote:** SEN. PERRY moved to AMEND SJ 2 WITH
AMENDMENT #SJ000201.AVL. Motion carried 11-1 by voice
vote with SEN. JENT voting no. SEN. WANZENRIED and SEN.
WILLIAMS voted aye by proxy.

EXHIBIT (jus15a03)

Discussion:

02:36:49 Sen. O'Neil

02:37:13 **Motion/Vote:** SEN. MCGEE moved that SJ 2 BE ADOPTED AS AMENDED. Motion carried 11-1 by voice vote with SEN. JENT voting no. SEN. WANZENRIED and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 74

02:37:43 Sen. Laslovich

02:38:00 Sen. McGee

02:38:27 Valencia Lane, LSD

02:43:09 **Motion:** SEN. JENT moved that SB 74 DO PASS.

Discussion:

02:43:00 Sen. Jent

EXHIBIT (jus15a04)

02:44:32 Sen. O'Neil

02:45:53 Sen. Jent

02:46:24 Sen. O'Neil

02:47:56 Sen. Perry

02:50:09 **Substitute Motion:** SEN. O'NEIL moved to amend SB 74 with a CONCEPTUAL AMENDMENT.

Discussion:

02:50:30 Sen. O'Neil

02:50:38 Sen. Jent

02:51:26 Sen. O'Neil

02:52:46 Sen. McGee

02:54:01 Ms. Lane, LSD

02:55:52 Sen. Jent

02:57:32 **SEN. O'NEIL** withdrew the **CONCEPTUAL AMENDMENT** motion.

02:57:39 **SEN. JENT** withdrew the **DO PASS** motion. No further action was taken.

EXECUTIVE ACTION ON SB 193

02:58:29 **Motion:** **SEN. LASLOVICH** moved that **SB 193 DO PASS.**

Discussion:

03:01:41 Sen. Perry

03:01:59 Sen. Laslovich

03:03:23 Sen. Perry

03:03:39 Sen. McGee to Sen. Laslovich

03:07:38 Sen. Shockley to Ms. Lane, LSD

03:09:10 Sen. Laslovich to Ms. Lane

03:09:41 Sen. McGee to Ms. Lane

03:13:25 Sen. McGee

03:14:14 Sen. Perry

03:18:42 Sen. Shockley

03:21:50 **SEN. LASLOVICH** withdrew the **DO PASS** motion on **SB 193.**
No further action taken.

ADJOURNMENT

Adjournment: 11:30 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus15aad.pdf](#))