MONTANA SENATE
2007 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 1-19-07

NAMES	PRESENT	ABSENT	EXCUSED
SEN. LYNDA MOSS (D)	✓		
SEN. DAN McGEE (R)	✓		
SEN. CAROL WILLIAMS (D)			✓
SEN. CAROL JUNEAU (D)	✓		
SEN. GERALD PEASE (D)	✓		
SEN. JIM SHOCKLEY (R)	✓		
SEN. AUBYN CURTISS (R)	✓		
SEN. JERRY O'NEIL (R)	✓		
SEN. LARRY JENT (D)	✓		
SEN. GARY PERRY (R)	✓		
SEN. DAVID WANZENRIED (D)			✓
SEN. JESSE LASLOVICH (D) CHAIRMAN	✓		
VALENCIA LANE, LSD	✓		
CAROL ANDERSEN, COMMITTEE SECRETARY	✓		

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 146** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Page 22, line 19.
Following: "with"
Strike: "serious"
Insert: "a"
Following: "mental"
Strike: "illness"
Insert: "disorder, as defined in 53-21-102,"

- END -

Committee Vote:
Yes 12, No 0
Fiscal Note Required ___

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 67** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Page 1, line 14.
Strike: "8"
Insert: "7"

2. Page 1, line 17 through line 18.
Following: "public" on line 17
Strike: remainder of line 17 through "supplies," on line 18

3. Page 1, line 19.
Following: "within"
Strike: "or outside"

4. Page 1, line 20 through line 23.
Following: "means" on line 20
Strike: remainder of line 20 through "state" on line 23
Insert: "the state of Montana"

5. Page 1, line 24.
Following: line 23
Insert: "(3) "Essential good or service" means food, water, fuel, shelter, transportation, or medical supplies."
Renumber: subsequent subsections

6. Page 1, line 24. .
Following: "means"
Insert: "the intentional"

7. Page 1, line 25.

Committee Vote:
Yes 7, No 5
Fiscal Note Required ✓

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57

Following: "essential"
Strike: "product"
Insert: "good"

8. Page 1, line 30.
Strike: "8"
Insert: "7"
Following: ";"
Insert: "or"

9. Page 2, line 1 through line 2.
Strike: "(b)" on line 1 through "; or" on line 2
Renumber: subsequent subsection

10. Page 2, line 3.
Strike: "8"
Insert: "7"

11. Page 2, line 6.
Strike: "8"
Insert: "7"

12. Page 2, line 10.
Following: "general"
Strike: "or a county attorney"
Following: "finding"
Insert: "based on clear and convincing evidence"

13. Page 2, line 14.
Page 2, line 16.
Page 2, line 18.
Page 2, line 20.
Strike: "8"
Insert: "7"

14. Page 2, line 27 through line 30.
Strike: section 3 in its entirety
Renumber: subsequent sections

15. Page 3, line 2.
Following: "pricing"
Strike: "prohibited"
Insert: "presumed illegal"

16. Page 3, line 3.
Following: "disruption,"
Insert: "the sale by"

17. Page 3, line 3 through line 4.

Following: "person" on line 3
Strike: remainder of line 3 through "price" on line 4
Insert: "at prices in excess of those specified in subsection (2) within the affected area of"

18. Page 3, line 4.
Following: "wholesale,"
Strike: "within the affected area"
Insert: "is presumed to be illegal subject to the defenses set forth in [section 5]"

19. Page 3, line 5.
Following: "if it"
Strike: "is 10%"
Insert: "exceeds by 20%"
Following: "more"
Strike: "above"

20. Page 3, line 5 through line 7.
Following: "by" on line 5
Strike: remainder of line 5 through "disruption" on line 7
Insert: "other persons within a 50-mile radius of the location of the alleged offense for the same essential good or service during the 7 days prior to the alleged offense"

21. Page 3, line 15.
Following: "service."
Insert: "However, [sections 1 through 7] do not prevent a business from closing during the period of emergency or abnormal market disruption if legitimate business reasons warrant that action."

22. Page 3, line 18.
Strike: the first "8"
Insert: "7"

23. Page 3, line 18 through line 23.
Following: "may" on line 18
Strike: remainder of line 18 through "(2) The" on line 23
Insert: "assert as a defense the fact that the"

24. Page 3, line 23.
Following: "price of"
Strike: "a"
Insert: "an essential"

25. Page 3, line 27.
Strike: "8"

Insert: "7"

26. Page 3, line 28.
Following: "general"
Strike: "or a county attorney of the county in which the violation occurs"

27. Page 3, line 29.
Following: "general"
Strike: "or a county attorney"

28. Page 3, line 30.
Strike: "8"
Insert: "7"

29. Page 3, line 30 through page 4, line 1.
Following: "general" on line 30
Strike: remainder of line 30 through "for" on page 4, line 1
Insert: "may request and obtain"

30. Page 4, line 1.
Following: "records"
Insert: "directly related to an alleged violation"

31. Page 4, line 4 through line 6.
Strike: "8]" on line 4 through "30-14-103" on line 6
Insert: "7] is subject to a civil penalty of up to $1,000 for each incident, with a maximum penalty of $25,000 for the duration of the emergency or abnormal market disruption"

32. Page 4, line 8 through line 10.
Following: "30-14-143." on line 8
Strike: remainder of line 8 through "agency." on line 10

33. Page 4, line 11.
Strike: "8"
Insert: "7"

34. Page 4, line 13 through line 14.
Following: "practicable" on line 13
Insert: ","
Strike: remainder of line 13 through "(i)" on line 14

35. Page 4, line 14.
Following: "profits"
Strike: "for cases prosecuted by the attorney general"

36. Page 4, line 15 through line 18.

Following: "30-14-143" on line 15
Strike: remainder of line 15 through "agency" on line 18

37. Page 4, line 20.
Page 4, line 22.
Strike: "8"
Insert: "7"

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 224** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, line 9.
Strike: "PUBLIC"
Insert: "STATE"

2. Title, line 10.
Strike: "PUBLIC"
Insert: "STATE"

3. Page 1, line 27.
Strike: "public"
Insert: "state"

4. Page 1, line 28.
Strike: "public"
Insert: "state"

5. Page 1, line 29.
Following: "enforce"
Strike: "45-5-625"
Insert: "45-5-624"

6. Page 1, line 30.
Strike: "public"
Insert: "state"

7. Page 2, line 1.
Strike: "public"
Insert: "state"

Committee Vote:
Yes 9, No 3
Fiscal Note Required ✓ KJ

8. Page 2, line 3.
Strike: "public"
Insert: "state"

9. Page 2, line 4.
Strike: "public"
Insert: "state"

10. Page 2, line 27.
Strike: "public" in two places
Insert: "state"

11. Page 3, line 3.
Following: "enforce"
Strike: "45-5-625"
Insert: "45-5-624"

12. Page 3, line 4.
Strike: "public"
Insert: "state"

13. Page 3, line 5.
Strike: "public"
Insert: "state"

14. Page 3, line 7.
Strike: "public"
Insert: "state"

15. Page 3, line 8.
Strike: "public"
Insert: "state"

- END -

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 5**, by motion, on **Friday, January 19, 2007**.

Carol Andersen
(For the Committee)

(Secretary of the Senate)

_____ / 1-22-07
(Time) (Date)

January 19, 2007 Carol R. Andersen, Secretary Phone: 444-4697

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 1-19-07 BILL NO. 67 NUMBER amend 67201.avl

MOTION: be adopted

NAME	AYE	NO
SEN. LYNDA MOSS (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. CAROL WILLIAMS (D)	✓	
SEN. CAROL JUNEAU (D)	✓	
SEN. GERALD PEASE (D)	✓	
SEN. JIM SHOCKLEY (R)		✓
SEN. AUBYN CURTISS (R)		✓
SEN. JERRY O'NEIL (R)		✓
SEN. LARRY JENT (D)	✓	
SEN. GARY PERRY (R)	✓	
SEN. DAVID WANZENRIED (D) Proxy	✓	
SEN. JESSE LASLOVICH (D) CHAIRMAN	✓	
	8	4
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 1-19 BILL NO. 47 NUMBER SB00 6202.avl

MOTION: adopt

NAME	AYE	NO
SEN. LYNDA MOSS (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. CAROL WILLIAMS (D)		✓
SEN. CAROL JUNEAU (D)		✓
SEN. GERALD PEASE (D)		✓
SEN. JIM SHOCKLEY (R)		✓
SEN. AUBYN CURTISS (R)		✓
SEN. JERRY O'NEIL (R)	✓	
SEN. LARRY JENT (D)		✓
SEN. GARY PERRY (R)	✓	
SEN. DAVID WANZENRIED (D)		✓
SEN. JESSE LASLOVICH (D) CHAIRMAN		✓
	3	9
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

Voice

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 1-19 BILL NO. SB 62 NUMBER _____

MOTION: Concept: amend

NAME	AYE	NO
SEN. LYNDA MOSS (D)		✓
SEN. DAN McGEE (R)		✓
SEN. CAROL WILLIAMS (D)		✓
SEN. CAROL JUNEAU (D)		✓
SEN. GERALD PEASE (D)		✓
SEN. JIM SHOCKLEY (R)		✓
SEN. AUBYN CURTISS (R)		✓
SEN. JERRY O'NEIL (R)		✓
SEN. LARRY JENT (D)		✓
SEN. GARY PERRY (R)	✓	
SEN. DAVID WANZENRIED (D)		✓
SEN. JESSE LASLOVICH (D) CHAIRMAN		✓
	1	11
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 1-19 BILL NO. SB 69 NUMBER _____

MOTION: Do Pass as Amended

NAME	AYE	NO
SEN. LYNDA MOSS (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. CAROL WILLIAMS (D)	✓	
SEN. CAROL JUNEAU (D)	✓	
SEN. GERALD PEASE (D)	✓	
SEN. JIM SHOCKLEY (R)		✓
SEN. AUBYN CURTISS (R)		✓
SEN. JERRY O'NEIL (R)		✓
SEN. LARRY JENT (D)	✓	
SEN. GARY PERRY (R)		✓
SEN. DAVID WANZENRIED (D)	✓	
SEN. JESSE LASLOVICH (D) CHAIRMAN	✓	
	7	5
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

Passed
7-5

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 1-19 BILL NO. 224 NUMBER

MOTION: Shockley sub motion "Tate"

NAME	AYE	NO
SEN. LYNDA MOSS (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. CAROL WILLIAMS (D)	✓	
SEN. CAROL JUNEAU (D)	✓	
SEN. GERALD PEASE (D)	✓	
SEN. JIM SHOCKLEY (R)	✓	
SEN. AUBYN CURTISS (R)	✓	
SEN. JERRY O'NEIL (R)	✓	
SEN. LARRY JENT (D)		✓
SEN. GARY PERRY (R)	✓	
SEN. DAVID WANZENRIED (D)	✓	
SEN. JESSE LASLOVICH (D) CHAIRMAN		✓
	9	3
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Mass

to vote my proxy on any issue before the Senate _____

_____ Committee

held on _____, 2007.

O'neil No

SB 146
amed. 14603 yes

SB 67 yes
As Amended

SB 67
6702 yes
McGee Amend no
Perry no

Carol William
SENATOR
STATE OF MONTANA

Amended Y
Amendm Y

SB 224 Y

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator MOSS

to vote my proxy on any issue before the Senate JUDICIARY.

_____ Committee

held on _____, 2007.

SB224

SB67 as amended yes

SP146

Amend. 14603 Yes O'Neil No

14604 No

SP146 as amended yes

SB5 tabled yes

WANZENRIED

SENATOR

STATE OF MONTANA

Perry No

SB 67 amendment yes

SB67 as amended yes

6702 amendment

& McGee No

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Moss

to vote my proxy on any issue before the Senate _____

_____ Committee

held on _____, 2007.

SB 67 yes

SB 67
amendment 6702 yes
McGee no
Perry no
O'Neil Amend Amend yes

SB 224 Y

Carol Juneau
SENATOR
STATE OF MONTANA

MONTANA STATE SENATE
2007 LEGISLATURE

VISITOR REGISTER

JUDICIARY

DATE January 19, 2007

BILLS BEING HEARD TODAY SB 227, 228

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Mary Phippen	Cell-262-2459	Mt. Magistrates' Assn.	SB 227		X
Riley Johnson	443-3797	NFIB	SB 227	X	
Toni England	495-7220	SCH	SB 227	X	
JEFF Koch	721-4454	MT COLLECTORS ASSN	SB 227	X	
Bruce Spencer	442-2980	Self	SB 227	X	
Michael Moore	721-4454	CBS	SB 227	X	
Steve Wade	443-6820	MCA	SB 227	X	
JANE HAMMAN	933-8203	MTEA	SB228		
BRENDA NORDLUND	444-2713	DOJ/MVD	SB228		

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY