MONTANA SENATE
2007 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 2-23-07

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 309** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, lines 5 through 10.
Following: "DISASTER" on line 5
Strike: remainder of line 5 through "INCIDENT" on line 6
Following: "INCIDENT;" on line 6
Strike: remainder of line 6 through "INCIDENT;" on line 8
Insert: "AND"
Following: "ENFORCEMENT" on line 8
Strike: remainder of line 8 through "DATE" on line 10

2. Page 1, line 14 through page 2, line 2.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 2, line 5.
Strike: "or the occurrence of an incident"

4. Page 2, line 6.
Following: "person"
Insert: "acting or"

5. Page 2, line 8 through line 9.
Strike: subsection (2) in its entirety
Insert: "(2) After a violation of subsection (1) has occurred, the party injured by a confiscation action may bring an action for damages in a court having jurisdiction.
(3) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in Montana of a privately owned firearm.

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

(b) The term does not include the taking of a firearm from a person:

(i) in self-defense;

(ii) possessing a firearm while the person is committing a felony or misdemeanor; or

(iii) who may not lawfully possess the firearm because of a prior criminal conviction."

6. Page 2, line 11 through page 15, line 12.
Strike: sections 3 through 18 in their entirety
Insert: "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 10, chapter 3, and the provisions of Title 10, chapter 3, apply to [section 1]."

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 346** (first reading copy -- white) **do pass as amended.**

Signed: ~~[illegible]~~
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, line 4 through line 5.
Strike: "A PERSON WHO"
Insert: "PUBLIC"
Following: "CONTRACTS"
Strike: remainder of line 4 through "ILLEGAL" on line 5
Insert: "AND SUBCONTRACTS WITH A PERSON WHO KNOWINGLY EMPLOYS OR CONTRACTS WITH AN UNAUTHORIZED"

2. Title, line 6.
Strike: "ILLEGAL"
Insert: "UNAUTHORIZED"

3. Page 1, line 9 through line 10.
Following: "that"
Strike: remainder of line 9 through "illegal" on line 10
Insert: "an employer is prohibited from employing an unauthorized"

4. Page 1, line 11 through line 21.
Strike: line 11 through line 21 in their entirety
Insert: "WHEREAS, public agencies should take reasonable means to require those with whom they contract and subcontract to comply with federal law."

5. Page 1, line 25.
Strike: "illegal"
Insert: "unauthorized"

Committee Vote:
Yes 11, No 1
Fiscal Note Required ___ KH

6. Page 1, line 26.
Following: "not"
Strike: "employ or contract with"

7. Page 1, line 27 through page 2, line 2.
Following: "agency," on line 27
Strike: remainder of line 27 through page 2, line 2
Insert: "knowingly employ or contract with:

(a) an unauthorized alien, as defined in 8 U.S.C. 1324a(h)(3), or with a person whom the contractor or subcontractor should have known was an unauthorized alien; or

(b) another person who knowingly employs an unauthorized alien or a person whom the employer or contractor should have known was an unauthorized alien.

(2) A person who contracts with a public agency or the subcontractor of a person who contracts with a public agency who violated subsection (1) is in material breach of the contract. In the event of a breach, the public agency may pursue all legal contract remedies, including but not limited to terminating the contract or subcontract. In addition, the public agency may prohibit the contractor or subcontractor from bidding on a contract or contracting with the public agency for a period not to exceed 3 years.

(3) A contract of a public agency must expressly state the requirements of this section.

(4) A public agency terminating a contract pursuant to subsection (2) shall report the termination to the legislative audit division, provided for in 5-13-301, at the end of the calendar year in which the contract was terminated. The report must state the number and type of contracts terminated and the number of unauthorized aliens employed by the person contracting with the public agency or another person contracting with that person."

8. Page 2, line 4.
Strike: "illegal"
Insert: "unauthorized"
Strike: "-- void contract"

9. Page 2, line 5.
Following: "An"
Insert: "unauthorized"
Following: "alien"
Strike: remainder of line 5 through "deportable"
Insert: ", as defined in 8 U.S.C. 1324 a(h)(3),"

10. Page 2, line 9.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 393** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, line 5.
Following: "WHICH"
Strike: "CUSTODY"
Insert: "PARENTING"

2. Title, line 6.
Following: "OF"
Strike: "CUSTODY"
Insert: "PARENTING"

3. Page 1, line 17.
Following: line 16
Strike: "dissolution of their marriage regarding custody of minor children"
Insert: "parenting of a minor child"
Following: "mediation"
Insert: "of the parenting dispute"

4. Page 1, line 18.
Following: "finds"
Strike: "that the case is not appropriate for mediation."
Insert: ":
(a) that participation in parenting mediation would result in the imposition of a cost to a party whose filing or appearance fees have been waived pursuant to 25-10-404;
(b) that requiring parenting mediation would constitute a financial hardship to either party;
(c) that there is no facilitative mediator with the

Committee Vote:
Yes 8, No 4
Fiscal Note Required ___ KH

qualifications stated in 40-4-307 in the county in which either party resides;

(d) that the parties have previously participated in mediation of the parenting dispute; or

(e) that the required parenting mediation is prohibited by subsection (5).

(3)"

5. Page 1, line 18.
Following: "purposes of"
Insert: "mandatory parenting"

6. Page 1, line 19.
Following: "over the"
Strike: "custody of or visitation with"
Insert: "parenting of"

7. Page 1, line 20.
Following: "of a"
Strike: "visitation agreement"
Insert: "parenting plan"

8. Page 1, line 22.
Following: "making"
Insert: "parenting"
Following: "decisions"
Strike: "about child custody and visitation"

9. Page 1, line 24.
Following: "of"
Strike: "custody and visitation"
Insert: "parenting"

10. Page 1, line 26.
Following: "of"
Strike: "custody and visitation"
Insert: "parenting"

11. Page 1, line 27.
Following: line 26
Insert: "(4) A letter from the mediator addressed to the parties is sufficient proof of participation in a mediation under this part."
Renumber: subsequent subsections

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 404** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, lines 4 and 5.
Strike: "EMERGENCY" on line 4 through "MCA" on line 5
Insert: "FIREFIGHTERS"

2. Page 1, line 9 through page 2, line 3.
Strike: section 1 through section 3 in their entirety
Insert: "NEW SECTION. **Section 1. Liability of firefighters.** (1) A firewarden, firefighter, or officer or employee of a state or governmental fire agency is not liable for any civil damages for acts or omissions while fighting fires other than damages occasioned by gross negligence or by willful or wanton acts or omissions.

(2) For the purposes of this section, "governmental fire agency" means a fire protection entity organized under Title 7, chapter 33."

Insert: "NEW SECTION. **Section 2. Legal representation for firefighters.** The department shall provide legal representation to its employees who fight fires for any criminal prosecution arising from an act or omission on a fire."

Insert: "NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 2]."

- END -

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

411240SC.ssc

SENATE STANDING COMMITTEE REPORT

February 23, 2007

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 480** (first reading copy -- white) **do pass as amended.**

Signed: ~~_____~~
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Page 1, line 11.
Following: "agreement"
Insert: "or a written addendum to the rental agreement"

- END -

Committee Vote:
Yes 12, No 0
Fiscal Note Required ___ K7

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 481** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Title, line 8.
Following: "40-1-202"
Insert: ","
Strike: "AND"
Following: "40-1-203,"
Insert: "AND 40-1-208,"

2. Page 3, line 6.
Following: line 5
Insert: "Section 4. Section 40-1-208, MCA, is amended to read:

"40-1-208. Penalties. (1) An applicant for a marriage license, a physician or other person authorized by rule of the department of public health and human services to issue a medical certificate, or a person in charge of or authorized to make reports or statements for a laboratory who misrepresents the person's identity or any of the facts called for by the certificate form prescribed by 40-1-203 through 40-1-205, a licensing officer who issues a marriage license without having received the certificate form, if required, or who has reason to believe that any of the facts on the certificate form have been misrepresented and nevertheless issues a marriage license, or any person who otherwise fails to comply with the provisions of 40-1-203 through 40-1-209 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $100.

(2) Medical certificates, laboratory statements or reports, <u>certificates acknowledging the rights and obligations of marriage,</u> and applications referred to in 40-1-203 through 40-1-209 are confidential and may not be divulged to or open to inspection by any person other than state or local health

Committee Vote:
Yes 10, No 2
Fiscal Note Required ___ KJ

officers or their representatives. A person who divulges the information or opens to inspection the certificates, statements, reports, or applications, without authority, to any person not entitled to the material by law is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $100.""

Renumber: subsequent section

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 486** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Jesse Laslovich, Chair

And, that such amendments read:

1. Page 1, line 3.
Following: line 2
Insert: "BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE"

2. Title, line 6.
Following: ";"
Insert: "REVISING THE PENALTY;"

3. Page 1, line 12.
Following: "knowingly"
Insert: ", with the use of physical force or contact,"

4. Page 1, line 14 through line 15.
Following: "term" on line 14
Strike: remainder of line 14 through "or more than" on line 15
Insert: "not to exceed"

- END -

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

411355SC.ssc

SENATE STANDING COMMITTEE REPORT

February 23, 2007

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 545** (first reading copy -- white) **do pass.**

Signed: _____
Senator Jesse Laslovich, Chair

- END -

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

411236SC.ssc

SENATE STANDING COMMITTEE REPORT

February 23, 2007

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 547** (first reading copy -- white) **do pass.**

Signed: _____
Senator Jesse Laslovich, Chair

- END -

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

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 18, SB 28, SB 171, SB 183, SB 198, SB 277, SB 389, SB 454, SB 476, SB 477, SB 482, SB 512, SB 546, SB 548**, by motion, on **Friday, February 23, 2007**.

Carol Andersen
(For the Committee)

KJ
(Secretary of the Senate)

2-23
(Time) (Date)

February 23, 2007 Carol R. Andersen, Secretary Phone: 444-4697

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. SB 481 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) P	✓	
SEN. GARY PERRY (R) P		✓
SEN. DAVID WANZENRIED (D)	✓	
SEN. JESSE LASLOVICH (D) CHAIRMAN	✓	
	10	2
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-13-07 BILL NO. 476 NUMBER _____

MOTION: Do Pass

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		✓
	5	7
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

D

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. 346 NUMBER _____

MOTION: Shockley 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		✓
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. 346 NUMBER _____

MOTION: Bill as amended Do Pass

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		
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. 346 NUMBER _____

MOTION: VZ 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	✓	
		2
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. 309 NUMBER _____

MOTION: Do not concur SB 8

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	4
VALENCIA LANE, LSD		5
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. 309 NUMBER _____

MOTION: Do Pass as Amended

NAME	AYE	NO
SEN. LYNDA MOSS (D)	✓	
SEN. DAN McGEE (R) changed vote	X	✓
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		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23 BILL NO. 512 NUMBER

MOTION: Bill (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		✓
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23 BILL NO. 459 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	✓	
	3	6
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23 BILL NO. 387 NUMBER _____

MOTION: _____

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		✓
	4	8
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

F - R - T

K

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. SB 545 NUMBER _____

MOTION: _____

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		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. 546 NUMBER _____

MOTION: amendment

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) P	✓	
SEN. DAVID WANZENRIED (D)		✓
SEN. JESSE LASLOVICH (D) CHAIRMAN		✓
	5	7
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-23-07 BILL NO. SB 48 NUMBER _____

MOTION: Do Pass as am.

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		✓
	5	
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

F R-T

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

Voice ~~ROLL CALL~~ VOTE

DATE 2-23-07 BILL NO. SB 393 NUMBER _____

MOTION: _____

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) P	✓	
SEN. LARRY JENT (D)		✓
SEN. GARY PERRY (R)		✓
SEN. DAVID WANZENRIED (D) P	✓	
SEN. JESSE LASLOVICH (D) CHAIRMAN	✓	
	8	4
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

K

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

Voice ~~ROLL CALL~~ VOTE

DATE 2-23-07 BILL NO. 427 NUMBER _____

MOTION: Do Pass

NAME	AYE	NO
SEN. LYNDA MOSS (D)		✓
SEN. DAN McGEE (R)		✓
SEN. CAROL WILLIAMS (D) P		✓
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) P		✓
SEN. GARY PERRY (R)		✓
SEN. DAVID WANZENRIED (D)		✓
SEN. JESSE LASLOVICH (D) CHAIRMAN		✓
	2	10
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

F - R - T: 10-2

K

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

Voice ~~ROLL CALL~~ VOTE

DATE 2-23-07 BILL NO. SB 346 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	✓	
	11	1
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

K

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

Voice ~~ROLL CALL~~ VOTE

DATE 2-23-07 BILL NO. SB 482 NUMBER _____

MOTION: to Table

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		

K

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

Voice ~~ROLL CALL~~ VOTE

DATE 2-23-07 BILL NO. 222 NUMBER _____

MOTION: to Table

NAME	AYE	NO
SEN. LYNDA MOSS (D)	✓	
SEN. DAN McGEE (R)	✓	
SEN. CAROL WILLIAMS (D) P	✓	
SEN. CAROL JUNEAU (D)	✓	
SEN. GERALD PEASE (D)	✓	
SEN. JIM SHOCKLEY (R)	✓	
SEN. AUBYN CURTISS (R) P	✓	
SEN. JERRY O'NEIL (R)	✓	
SEN. LARRY JENT (D) P	✓	
SEN. GARY PERRY (R)	✓	
SEN. DAVID WANZENRIED (D)		✓
SEN. JESSE LASLOVICH (D) CHAIRMAN		✓
	10	2
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 McGee

to vote my proxy on any issue before the Senate Judiciary

Committee

held on 2/23/07, 2007.

PERRY

SENATOR
STATE OF MONTANA

See Over

SB 481 Wanzenreid
DP Amd = (Aye)
DPAmd No

SB 480 Lind
DP amd = (aye)
DP Amd Aye

SB 404 Lind
D.P. Amd (1 & 2) = Aye
DP Amd (3-9) = No
DP as Amd Aye

SB 198 - Table Aye
SB 28 - " Aye
SB 171 - " Aye
SB 183 - " Aye
SB 512 - D.P. Aye
SB 454
Amd 02.apm - No
DoPass Amd ~~No~~
SB 546 - Amd Aye

SENATE PROXY FORM

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

SP

PROXY VOTE

I, the undersigned, hereby authorize Senator _____

to vote my proxy on any issue before the Senate _____

_____ Committee

held on _____, 2007.

SB 481 Amend Yes

SB 480 amend Yes

SB 404 amend Yes no

SB 393 amend

SB 477 no

476 no

486 amend amend amend Yes

Jent

SENATOR

STATE OF MONTANA

SB 346 5 amend no

W amend yes

5 amend yes

SB yes

SB 309 amend amend amend

Yes

SB 198 table

SB 28 table

SB 171 table

SB 183 table

SB 393 amend

SB 512 amend
NO
table

SB 454 amend yes

SB 548
amend
NO

SB 389 no

SB 547 yes

SB 18 ~~yes~~ table

SB 482 table

SB 277 table

SB 545 NO

SB 546 amend not yes
yes

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 Mann

to vote my proxy on any issue before the Senate _____

_____ Committee

held on Feb 27, 2007, 2007.

SB 477 no
table bill

SB 346 Somed

476 no

486 amend
amend
amend yes

SB 389 no

SB 547 yes

SB 309
amend
amend

SB 18 table

Carol Mallow
SENATOR
STATE OF MONTANA

SB 393 omend
SB 393 omend yes

SB 477

SB 482 table

SB 277 table

SB 545

SB 548 omend
no

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (1) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Dan McGee

to vote my proxy on any issue before the Senate Judiciary

Committee

held on Feb 23, 2007.

Please Take
SB 309

Carlyle Curtiss
SENATOR
STATE OF MONTANA

See Over

SB 512 - D.P. — Aye

SB 454
Amd 02, apm - No
Do Pass Amd — No

SB 389
Table — No

SB 18 - Table — Yes

SB 482 - Table — No

SB 277 - Table — Yes

SB 545 - D.P. — Yes
~~III~~ II #II

SB 546 - DP
Amd - Esp = Aye — Aye

SB 548
Amd - Perry = Aye
DP as Amd — Aye

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 23 FEBRUARY, 2007.

SB 498 table SB477
SB 28 table
SB 171 table
SB 183 table
SB 393 amend

WANZENRIED.
SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (1) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator [redacted] Moss

to vote my proxy on any issue before the Senate Judiciary

Feb 23 Committee

held on _____, 2007.

Received after Executive action

Larry Jent
SENATOR
STATE OF MONTANA

MONTANA STATE SENATE
2007 LEGISLATURE

VISITOR REGISTER

JUDICIARY

DATE 2-23-07

BILLS BEING HEARD TODAY SB 548

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Tim HALL	444-6702	DNRC	SB 404	✓	
Janice Doggett	444-5375	SOS	SB 548	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Amendments to Senate Bill No. 309
1st Reading Copy

Requested by Senator Jesse Laslovich

For the Senate Judiciary Committee

Prepared by Greg Petesch
February 23, 2007 (2:09pm)

1. Title, lines 5 through 10.
Following: "DISASTER" on line 5
Strike: remainder of line 5 through "INCIDENT" on line 6
Following: "INCIDENT;" on line 6
Strike: remainder of line 6 through "INCIDENT;" on line 8
Insert: "AND"
Following: "ENFORCEMENT" on line 8
Strike: remainder of line 8 through "DATE" on line 10

2. Page 1, line 14 through page 2, line 2.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 2, line 5.
Strike: "or the occurrence of an incident"

4. Page 2, line 6.
Following: "person"
Insert: "acting or"

5. Page 2, line 8 through line 9.
Strike: subsection (2) in its entirety
Insert: "(2) After a violation of subsection (1) has occurred, the party injured by a confiscation action may bring an action for damages in a court having jurisdiction.

(3) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in Montana of a privately owned firearm.

(b) The term does not include the taking of a firearm from a person:

(i) in self-defense;

(ii) possessing a firearm while the person is committing a felony or misdemeanor; or

(iii) who may not lawfully possess the firearm because of a prior criminal conviction."

6. Page 2, line 11 through page 15, line 12.
Strike: sections 3 through 18 in their entirety
Insert: "NEW SECTION. **Section 2. {standard} Codification instruction.** [Section 1] is intended to be codified as an

Amendments to Senate Bill No. 346
1st Reading Copy

For the Senate Judiciary Committee

Prepared by Greg Petesch
February 23, 2007 (10:32am)

1. Title, line 4 through line 5.
Strike: "A PERSON WHO"
Insert: "PUBLIC"
Following: "CONTRACTS"
Strike: remainder of line 4 through "ILLEGAL" on line 5
Insert: "AND SUBCONTRACTS WITH A PERSON WHO KNOWINGLY EMPLOYS OR CONTRACTS WITH AN UNAUTHORIZED"

2. Title, line 6.
Strike: "ILLEGAL"
Insert: "UNAUTHORIZED"

3. Page 1, line 9 through line 10.
Following: "that"
Strike: remainder of line 9 through "illegal" on line 10
Insert: "an employer is prohibited from employing an unauthorized"

4. Page 1, line 11 through line 21.
Strike: line 11 through line 21 in their entirety
Insert: "WHEREAS, public agencies should take reasonable means to require those with whom they contract and subcontract to comply with federal law."

5. Page 1, line 25.
Strike: "illegal"
Insert: "unauthorized"

6. Page 1, line 26.
Following: "not"
Strike: "employ or contract with"

7. Page 1, line 27 through page 2, line 2.
Following: "agency," on line 27
Strike: remainder of line 27 through page 2, line 2
Insert: "knowingly employ or contract with:
(a) an unauthorized alien, as defined in 8 U.S.C. 1324a(h)(3), or with a person whom the contractor or subcontractor should have known was an unauthorized alien; or
(b) another person who knowingly employs an unauthorized

alien or a person whom the employer or contractor should have known was an unauthorized alien.

(2) A person who contracts with a public agency or the subcontractor of a person who contracts with a public agency who violated subsection (1) is in material breach of the contract. In the event of a breach, the public agency may pursue all legal contract remedies, including but not limited to terminating the contract or subcontract. In addition, the public agency may prohibit the contractor or subcontractor from bidding on a contract or contracting with the public agency for a period not to exceed 3 years.

(3) A contract of a public agency must expressly state the requirements of this section.

(4) A public agency terminating a contract pursuant to subsection (2) shall report the termination to the legislative audit division, provided for in 5-13-301, at the end of the calendar year in which the contract was terminated. The report must state the number and type of contracts terminated and the number of unauthorized aliens employed by the person contracting with the public agency or another person contracting with that person."

8. Page 2, line 4.
Strike: "illegal"
Insert: "unauthorized"
Strike: "-- void contract"

9. Page 2, line 5.
Following: "An"
Insert: "unauthorized"
Following: "alien"
Strike: remainder of line 5 through "deportable"
Insert: ", as defined in 8 U.S.C. 1324 a(h)(3),"

10. Page 2, line 9.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

- END -

Beamed

Amendments to Senate Bill No. 404
1st Reading Copy

For the Senate Judiciary Committee

Prepared by Greg Petesch
February 23, 2007 (9:05am)

1. Title, lines 4 and 5.
Strike: "EMERGENCY" on line 4 through "MCA" on line 5
Insert: "FIREFIGHTERS"

2. Page 1, line 9 through page 2, line 3.
Strike: section 1 through section 3 in their entirety
Insert: "NEW SECTION. **Section 1. Liability of firefighters.** (1) A firewarden, firefighter, or officer or employee of a state or governmental fire agency is not liable for any civil damages for acts or omissions while fighting fires other than damages occasioned by gross negligence or by willful or wanton acts or omissions.

(2) For the purposes of this section, "governmental fire agency" means a fire protection entity organized under Title 7, chapter 33."
Insert: "NEW SECTION. **Section 2. Legal representation for firefighters.** The department shall provide legal representation to its employees who fight fires for any criminal prosecution arising from an act or omission on a fire."
Insert: "NEW SECTION. **Section 3. {standard} Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 2]."

- END -