

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By **VICE CHAIRWOMAN LYNDA MOSS**, on March 7, 2007
at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Lynda Moss, Vice Chairwoman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused:

Sen. Jesse Laslovich, Chairman (D)
Sen. Dan McGee (R)
Sen. David E. Wanzenried (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: HB 162, 2/27/2007; HB 82,
2/27/2007; HB 84, 2/27/2007; HB 91,
2/27/2007
Executive Action: HB 162, HB 84, HB 82

HEARING ON HB 162

Opening Statement by Sponsor:

00:00:32 REP. CYNTHIA HINER (D), HD 85, opened the hearing on HB 162, Revise requirement for appointment of counsel for developmentally disabled.

Proponents:

00:01:49 Ed Sheehy, Jr., Public Defender's Office

00:03:26 Beth Brenneman, Montana Advocacy Commission

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:04:46 Sen. Shockley to Ed Sheehy

00:05:49 Sen. O'Neil to Ed Sheehy

00:07:30 Sen. Juneau to Ed Sheehy

Closing by Sponsor:

00:09:38 Rep. Hiner

HEARING ON HB 82

Opening Statement by Sponsor:

00:10:56 REP. JOHN PARKER (D), HD 23, opened the hearing on HB 82, Revise definition of child pornography.

Proponents:

00:13:31 Harris Himes, Montana Values Alliance

00:14:23 John Connor, Attorney General's Office

00:17:33 Jim Smith, Montana County Attorneys Association

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

00:18:17 Rep. Parker

HEARING ON HB 84

Opening Statement by Sponsor:

00:19:35 REP. DAVE MCALPIN (D), HD 94, opened the hearing on **HB 84**, Clarify court jurisdiction for sales of alcohol to minors.

Proponents:

00:21:05 Jason Wood, Department of Revenue

Opponents: None.

Informational Testimony:

00:22:23 Noah Scott, Great Falls Police Department

00:23:35 Chad Parker, Great Falls City Attorney

Questions from Committee Members and Responses: None.

Closing by Sponsor:

00:27:04 Rep. McAlpin

00:41:56 Break

01:03:35 Resumed

HEARING ON HB 91

Opening Statement by Sponsor:

01:03:42 REP. EDITH CLARK (R), HD 28, opened the hearing on HB 91, Revise child abuse and neglect law.

Proponents:

01:06:51 Shirley Brown, Director, Child and Family Services

[EXHIBIT\(jus48a01\)](#)

[EXHIBIT\(jus48a02\)](#)

01:21:27 Harris Himes, Montana Values Alliance

01:22:38 Jani McCall Montana Children's Initiative
Provider Association

01:24:49 William Taylor, Christian Science Liaison

[EXHIBIT\(jus48a03\)](#)

Opponents: None.

Informational Testimony:

01:29:34 John Connor, Attorney General's Office

Questions from Committee Members and Responses:

01:30:27 Sen. McGee to Rep. Clark

01:32:18 Sen. McGee to Kathleen Jenks, Attorney General's Office

01:33:30 Sen. McGee to Shirley Brown

01:35:50 Sen. McGee to Shirley Brown

01:38:58 Sen. Williams to Shirley Jenks

01:44:53 Sen. Williams to Shirley Brown

01:46:17 Sen. Curtiss to Shirley Brown

01:51:34 Sen. Perry to Shirley Brown

Closing by Sponsor:

01:54:30 Rep. Clark

01:56:06 Chair Resumed by Sen. Laslovich

EXECUTIVE ACTION ON HB 162

01:57:30 Sen. Laslovich

01:57:36 **Motion:** SEN. WANZENRIED moved that HB 162 BE CONCURRED IN.**Discussion:**

01:58:05 Sen. Perry

01:58:59 Sen. Jent

02:01:05 Sen. Shockley

02:02:03 Sen. O'Neil

02:03:18 Sen. McGee

02:04:14 **Motion/Vote:** SEN. O'NEIL moved that CONCEPTUAL AMENDMENT BE ADOPTED.**Discussion:**

02:05:12 Sen. Jent

02:05:28 Sen. Laslovich

02:06:07 **Motion:** SEN. WILLIAMS CALLED THE QUESTION ON CONCEPTUAL AMENDMENT. Motion failed 4-8 by roll call vote with SEN. CURTISS, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.02:07:19 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON HB 162. Motion carried unanimously by voice vote. SEN. JUNEAU voted aye by proxy. SEN. JENT will carry HB 162.

EXECUTIVE ACTION ON HB 84

02:08:33 Sen. Laslovich

02:08:51 **Motion:** SEN. SHOCKLEY moved that HB 84 BE CONCURRED IN.

Discussion:

02:09:25 **Motion/Vote:** SEN. WILLIAMS CALLED THE QUESTION ON HB 84. Motion carried unanimously by voice vote. SEN. JUNEAU voted aye by proxy.

EXECUTIVE ACTION ON HB 82

02:09:52 **Motion:** SEN. JENT moved that HB 82 BE CONCURRED IN.

Discussion:

02:10:09 Sen. O'Neil

02:11:49 Sen. Perry

02:12:25 Sen. Laslovich

02:12:52 **Motion/Vote:** SEN. WILLIAMS CALLED THE QUESTION ON HB 82. Motion carried unanimously by voice vote. SEN. JUNEAU voted aye by proxy. SEN. PERRY will carry HB 82.

ADJOURNMENT

Adjournment: 11:15 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus48aad.pdf](#))