

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on March 13, 2007 at 9:05 A.M., in Room 303 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (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:** None.

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: HJ 9, 3/8/2007; HB 83, 3/8/2007; HB 136, 3/8/2007; HB 190, 3/8/2007; HB 361, 3/8/2007;  
Executive Action: HB 190; HJ 9;

HEARING ON HJ 9

Opening Statement by Sponsor:

00:01:44 REP. KEN PETERSON (R), HD 46, opened the hearing on HJ 9, Interim study of laws relating to recording of easements.

Proponents: None.

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:04:30 Sen. McGee to Rep. Peterson

Closing by Sponsor:

00:05:07 Rep. Peterson

HEARING ON HB 83

Opening Statement by Sponsor:

00:05:57 REP. CYNTHIA HINER (D), HD 85, opened the hearing on HB 83, Revise laws on medical parole.

Proponents:

00:10:29 Liz Rantz, Medical Director, Department of Corrections

00:20:46 Mike Mahoney, Warden, Montana State Prison

00:22:29 Don Judge, Montana Nurses Association

00:23:57 Craig Thomas, Executive Director, Board of Pardons and Parole

Opponents: None.

Informational Testimony: None.

**Questions from Committee Members and Responses:**

00:26:24 Sen. Juneau to Warden Mahoney  
00:28:35 Sen. Perry to Warden Mahoney  
00:29:32 Sen. O'Neil to Warden Mahoney  
00:30:28 Sen. McGee to Warden Mahoney  
00:38:29 Sen. Laslovich to Warden Mahoney  
00:40:07 Sen. Perry to Dr. Rantz  
00:45:58 Sen. Laslovich to Craig Thomas  
00:47:13 Sen. Laslovich to Rep. Hiner  
00:47:59 Sen. Laslovich to Brenda Elias, Department of  
Corrections

**Closing by Sponsor:**

00:50:32 Rep. Hiner

**HEARING ON HB 136**

**Opening Statement by Sponsor:**

00:54:01 **REP. MIKE MILBURN (R), HD 19**, opened the hearing on **HB 136**, Death benefit for beneficiary due to active duty death.

**EXHIBIT (jus53a01)**

**Proponents:**

00:56:50 Stan Putnam, Assistant Adjutant General, Montana National Guard

**EXHIBIT (jus53a02)**

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:59:39 Sen. Jent to General Putnam  
01:01:15 Sen. Shockley to Rep. Milburn  
01:02:21 Sen. Shockley to LTC Moran, Montana National Guard  
01:05:28 Sen. Perry to Rep. Milburn  
01:06:09 Sen. Perry to LTC Moran  
01:08:06 Sen. Perry to General Putnam  
01:13:10 Sen. Laslovich to LTC Moran  
01:27:00 Sen. Shockley to LTC Moran  
01:28:45 Sen. Juneau to LTC Moran  
01:32:53 Sen. Perry to LTC Moran

**Closing by Sponsor:**

01:37:20 Rep. Milburn

**HEARING ON HB 190**

**Opening Statement by Sponsor:**

01:41:43 **REP. BILL THOMAS (D), HD 26**, opened the hearing on **HB 190**, Revise card game act.

**EXHIBIT(jus53a03)**

**Proponents:**

01:45:19 Gene Huntington, Crime Control Board  
01:56:40 Rich Miller, Gaming Industry Association of Montana  
01:57:55 Chris Gallus, Montana Taverns Association

**Opponents:**

01:58:33 Michael O'Brien

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:00:30 Sen. Laslovich to Gene Huntington

**Closing by Sponsor:**

02:01:38 Rep. Thomas

**HEARING ON HB 361**

**Opening Statement by Sponsor:**

02:02:23 REP. DEBORAH KOTTEL (D), HD 20, opened the hearing on  
HB 361, Revise law on proxy marriage.

[EXHIBIT\(jus53a04\)](#)

[EXHIBIT\(jus53a05\)](#)

**Proponents:**

02:06:57 Ann Gilkey, State Bar of Montana

02:07:43 Marie Connolly, Program Manager, State Bar of Montana

02:12:12 Nancy Sweeney, Lewis and Clark County Clerk of District  
Court

[EXHIBIT\(jus53a06\)](#)

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:15:27 Sen. O'Neil to Nancy Sweeney

**Closing by Sponsor:**

02:17:52 Rep. Kottel

EXECUTIVE ACTION ON HB 190

02:20:30 Sen. Laslovich

02:20:46 Motion: SEN. MOSS moved that HB 190 BE CONCURRED IN.

Discussion:

02:21:01 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON HB 190. Motion carried 10-2 by voice vote with SEN. JENT, and SEN. MCGEE voting no. SEN. JOE TROPILA will carry HB 190.

EXECUTIVE ACTION ON HJ 9

02:21:56 Motion: SEN. SHOCKLEY moved that HJ 9 BE CONCURRED IN.

Discussion:

02:22:28 Sen. Curtiss

02:22:46 Sen. McGee

02:23:14 Sen. Perry

02:23:44 Sen. McGee

02:25:12 Sen. Moss

02:25:37 Sen. Curtiss

02:26:51 Sen. O'Neil

02:27:23 Sen. McGee

02:29:10 Motion/Vote: SEN. WANZENRIED moved that HJ 9 BE TABLED. Motion carried 9-3 by roll call vote with SEN. CURTISS, SEN. LASLOVICH, and SEN. O'NEIL voting no.

EXECUTIVE ACTION ON HB 83

02:30:29 **Motion:** SEN. MOSS moved that HB 83 BE CONCURRED IN.

Discussion:

02:30:41 **Motion:** SEN. O'NEIL moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

02:32:15 Valencia Lane, LSD

02:32:54 Sen. Laslovich

02:33:10 Sen. McGee

02:33:35 Sen. Laslovich

02:33:55 Sen. O'Neil

02:34:52 Sen. Perry

02:35:44 **SEN. O'NEIL withdrew his motion.**

02:35:53 **SEN. MOSS withdrew her motion.**

02:36:33 Sen. Laslovich

**ADJOURNMENT**

Adjournment: 11:45 A.M.

---

SEN. JESSE LASLOVICH, Chairman

---

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus53aad.pdf](#))**