

**MINUTES**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Gary L. Perry, on March 6, 2009 at 9:00  
A.M., in Room 303 Capitol

**ROLL CALL**

**Members Present:**

Sen. Gary L. Perry, Chairman (R)  
Sen. Jim Shockley, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. John Esp (R)  
Sen. Greg Hinkle (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Cliff Larsen (D)  
Sen. Jesse Laslovich (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Terry Murphy (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**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 308, HB 372, 2/23/2009

Executive Action: HB 308-Be Concurred in As Amended,  
HB 288-Be Concurred in As Amended,  
HB 293-Be Concurred In, HB 298-Be  
Concurred in, HB 269-Tabled

**HEARING ON HB 308**

**Opening Statement by Sponsor:**

00:01:01 Rep. Shannon Augare (D), HD 16, opened the hearing on HB 308, Allow donation of food as method of serving sentence of community service.

[EXHIBIT\(jus50a01\)](#)

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:03:59 Sen. Laslovich  
00:04:24 Rep. Augare  
00:06:05 Sen. Shockley  
00:06:14 Rep. Augare  
00:08:08 Sen. McGee  
00:09:05 Rep. Augare  
00:09:26 Sen. Laslovich  
00:09:34 Rep. Augare  
00:09:50 Sen. Perry  
00:10:06 Rep. Augare

**Closing by Sponsor:**

00:11:45 Rep. Augare

**HEARING ON HB 372**

**Opening Statement by Sponsor:**

00:12:19 Rep. Franke Wilmer (D), HD 64, opened the hearing on HB 372, Revise exemptions from jury duty.

**Distributed to the Committee members regarding HB 372 prior to Proponents Testimony:**

[EXHIBIT\(jus50a02\)](#)

[EXHIBIT\(jus50a03\)](#)

[EXHIBIT\(jus50a04\)](#)

[EXHIBIT\(jus50a05\)](#)

**Proponents' Testimony:**

00:17:31 Niki Zupanic, ACLU

00:20:04 Stacey Anderson, Director of Public Affairs, Planned Parenthood of Montana

00:21:38 Del Lonnquist, Volunteer Advocate, AARP Montana

[EXHIBIT\(jus50a06\)](#)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:23:12 Sen. Moss

00:23:29 Rep. Wilmer

00:24:20 Sen. McGee

00:24:47 Rep. Wilmer

00:29:05 Sen. Laslovich

00:30:32 Rep. Wilmer

00:33:51 Sen. Shockley

00:34:08 Rep. Wilmer

00:36:12 Sen. Juneau

00:37:10 Rep. Wilmer

00:40:19 Sen. Hinkle  
00:40:32 Rep. Wilmer  
00:41:36 Ms. Anderson  
00:42:08 Sen. Hinkle  
00:42:34 Rep. Wilmer  
00:43:25 Sen. Juneau  
00:43:41 Rep. Wilmer  
00:44:22 Sen. Perry  
00:44:45 Rep. Wilmer  
00:45:21 Sen. McGee  
00:46:04 Rep. Wilmer  
00:47:46 Sen. Shockley  
00:48:23 Sen. Laslovich  
00:49:26 Rep. Wilmer  
00:51:11 Sen. Shockley

**Closing by Sponsor:**

00:51:35 Rep. Wilmer

00:52:54 break

(Sen. Jent and Sen. Shockley absent from the room.)

**EXECUTIVE ACTION ON HB 308**

01:05:08 **Motion:** Sen. Laslovich moved that **HB 308 BE CONCURRED IN.**

01:05:24 **Motion:** Sen. Laslovich moved that **HB 308 BE AMENDED ON PAGE 5, LINE 10, AFTER "MAY" STRIKE "NOT" ALL THE WAY THROUGH END ON OF. ON LINE 11 TO STRIKE THROUGH COMMA AFTER COURT.**

**Discussion:**

01:06:48 Sen. McGee  
01:07:47 Sen. Juneau  
01:08:14 Sen. Laslovich

01:08:27 **Vote:** Motion that **HB 308 BE AMENDED** carried unanimously by voice vote. Sen. Jent and Sen. Shockley voted by proxy.

01:08:45 **Motion:** Sen. Laslovich moved that **HB 308 BE CONCURRED IN AS AMENDED.**

01:08:50 **Motion:** Sen. McGee moved that **HB 308 BE AMENDED ON LINES 10 AND 11 INSERT: "THE COURT MAY ASSIGN/PERMIT A PART OR ALL OF A FINE TO BE SATISFIED BY DONATION.**

**Discussion:**

01:09:28 Valencia Lane, Legislative Services Division  
01:10:09 Sen. McGee  
01:10:38 Ms. Lane  
01:10:49 Sen. McGee  
01:11:04 Ms. Lane

(Sen. Jent and Sen. Shockley entered the room.)

01:11:36 Sen. McGee  
01:12:18 Sen. Juneau  
01:13:15 Sen. Perry  
01:13:24 Sen. Murphy  
01:13:41 Sen. Perry

01:13:49 **Vote:** Motion that **HB 308 BE AMENDED** carried unanimously by voice vote.

01:14:01 **Motion:** Sen. McGee moved that **HB 308 BE CONCURRED IN AS AMENDED.**

01:14:10 **Motion:** Sen. Juneau moved that **HB 308 BE AMENDED BY DELETING THE WORD "CLOTHING" FROM DONATION OF FOOD OR OTHER NECESSITIES OF LIFE.**

**Discussion:**

01:14:37 Sen. Murphy  
01:16:04 Sen. Shockley  
01:16:47 Sen. Murphy  
01:17:51 Sen. Larsen  
01:19:03 Sen. Perry  
01:19:42 Sen. McGee  
01:21:14 Sen. Juneau  
01:22:33 Sen. Curtiss

01:23:07 **Substitute Motion:** Sen. Perry moved that **HB 308 BE AMENDED ON LINE 12, STRIKE, AFTER THE WORD FOOD, "CLOTHING, OR OTHER NECESSITIES OF LIFE".**

**Discussion:**

01:24:16 Sen. Jent  
01:24:29 Sen. Laslovich  
01:26:26 Sen. Hinkle  
01:27:07 Sen. Perry  
01:27:10 Sen. Moss  
01:28:27 Sen. Perry  
01:28:33 Sen. McGee  
01:28:46 Sen. Laslovich  
01:29:58 Sen. Perry  
01:30:07 Sen. McGee  
01:30:20 Ms. Lane  
01:30:40 Sen. McGee  
01:32:28 Sen. Larsen  
01:33:04 Sen. Perry  
01:33:07 Ms. Lane  
01:34:16 Sen. Perry  
01:34:49 Sen. McGee  
01:35:25 Sen. Juneau  
01:36:58 Sen. Perry  
01:37:36 Sen. McGee  
01:38:16 Sen. Shockley

01:38:33 Sen. Perry **WITHDREW AMENDMENT MOTION FOR HB 308 FOR LINE 12, STRIKE AFTER THE WORD FOOD, "CLOTHING OR OTHER NECESSITIES OF LIFE".**

01:38:38 **Substitute Motion:** Sen. Perry made a substitute motion that **HB 308 BE AMENDED ON PAGE 5, LINE 12, AFTER FOOD, STRIKE CLOTHING, OR OTHER NECESSITIES OF LIFE TO A COMMUNITY...**, INSERT, **"TO A FOOD BANK PROGRAM".**

(Sen. Esp absent from room)

**Discussion:**

01:39:16 Sen. McGee

01:40:27 **Vote:** Motion that **HB 308 BE AMENDED** carried 10-2 by roll call vote with Sen. Hinkle and Sen. Laslovich voting no. Sen. Esp voted by proxy.

01:40:21 **Vote:** Motion that **HB 308 BE CONCURRED IN AS AMENDED** carried 11-1 by voice vote with Sen. Hinkle voting no. Sen. Esp voted by proxy. Sen. Laslovich will carry HB 308 on the Senate floor.

**EXECUTIVE ACTION ON HB 372**

01:41:36 Sen. Shockley  
(No action taken)

**EXECUTIVE ACTION ON HB 95**

01:42:30 Sen. Shockley  
(No action taken)

**EXECUTIVE ACTION ON HB 288**

01:43:15 **Motion:** Sen. McGee moved that **HB 288 BE CONCURRED IN.**

**Discussion:**

01:43:47 Ms. Lane

01:44:24 **Motion:** Sen. Laslovich moved that **HB 288 BE AMENDED.**  
**EXHIBIT (jus50a07)**

01:45:24 **Vote:** Motion that **HB 288 BE AMENDED** carried  
unanimously by voice vote. Sen. Esp voted by proxy.

01:45:36 **Motion:** Sen. McGee moved that **HB 288 BE CONCURRED IN**  
**AS AMENDED.**

**Discussion:**

01:45:44 Sen. Larsen

01:46:16 Sen. McGee

01:47:00 Sen. Larsen

01:48:26 Sen. McGee

01:48:40 Sen. Perry

01:49:54 Sen. McGee

01:50:49 Sen. Hinkle

01:51:50 Sen. Murphy

01:52:29 Sen. Moss

01:53:43 Sen. Hinkle

01:54:13 Sen. Perry

01:54:46 Sen. McGee

01:56:16 **Vote:** Motion that **HB 288 BE CONCURRED IN AS AMENDED**  
carried 11-1 by roll call vote with Sen. Juneau voting  
no. Sen. Esp voted by proxy. Sen. McGee will carry HB  
288 on the Senate floor.

**EXECUTIVE ACTION ON HB 269**

01:58:01 **Motion:** Sen. McGee moved that **HB 269 BE CONCURRED IN.**

**Discussion:**

01:59:54 Sen. Shockley  
02:01:26 Sen. Laslovich  
02:03:55 Sen. Shockley  
02:04:26 Sen. Larsen  
02:04:55 Sen. Perry  
02:05:13 Sen. Shockley  
02:05:54 Sen. Perry  
02:07:31 Sen. Laslovich  
02:10:47 Sen. Perry  
02:11:01 Sen. Jent  
02:12:25 Sen. Juneau  
02:15:18 Sen. McGee  
02:16:55 Sen. Laslovich  
02:18:18 Sen. Shockley  
02:19:04 Ms. Lane  
02:19:12 Sen. Shockley  
02:19:37 Ms. Lane  
02:20:03 Sen. Shockley  
02:20:11 Sen. McGee  
02:20:45 Sen. Perry

02:23:08 **Substitute Motion/Vote:** Sen. Jent made a substitute motion that **HB 269 BE TABLED.** Substitute motion carried 7-5 by roll call vote with Sen. Juneau, Sen. Larsen, Sen. Laslovich, Sen. Moss, and Sen. Murphy voting no. Sen. Esp voted by proxy.

**EXECUTIVE ACTION ON HB 293**

02:24:18 **Motion/Vote:** Sen. McGee moved that **HB 293 BE CONCURRED IN.**

**Discussion:**

02:25:35 Sen. Jent  
02:26:29 **Vote:** Motion that **HB 293 BE CONCURRED IN** carried unanimously by voice vote. Sen. Esp voted by proxy. Sen. Jent will carry HB 293 on the Senate floor.

**EXECUTIVE ACTION ON HB 298**

02:27:32 **Motion:** Sen. Jent moved that **HB 298 BE CONCURRED IN.**

**Discussion:**

02:28:28 Sen. Perry  
02:28:44 Sen. McGee  
02:30:52 Sen. Shockley  
02:31:06 Sen. McGee  
02:31:37 Sen. Shockley  
02:32:04 Sen. Hinkle  
02:32:40 Mary Phippen, self  
02:35:24 Sen. Jent

02:37:24 **Vote:** Motion that **HB 298 BE CONCURRED IN** carried unanimously by voice vote. Sen. Esp voted by proxy. Sen. Shockley will carry HB 298 on the Senate floor.

**Committee Discussion:**

02:38:22 Sen. Perry  
02:38:29 Sen. Hinkle  
02:39:16 Sen. McGee  
02:39:48 Sen. Jent  
02:40:57 Sen. McGee  
02:41:40 Sen. Shockley  
02:42:06 Sen. Perry  
02:43:16 Sen. McGee

**Distributed to Committee Members after the hearing on HB 372:**  
**[EXHIBIT\(jus50a08\)](#)**

**ADJOURNMENT**

Adjournment: 11:44 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT ([jus50aad.pdf](#))**