

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 16, 2009 at 10:00
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. Carol C. Juneau (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: Sen. Larry Jent (D)
Sen. Cliff Larsen (D)

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: None

Executive Action: HB 372-Be Concurred In, HB 102-
Tabled, HB 490-Tabled, HB 55-Be
Concurred in As Amended, HB 133-Be
Concurred in As Amended, HB 150-Be
concurred in As Amended

EXECUTIVE ACTION ON HB 372

00:02:44 **Motion:** Sen. McGee moved that **HB 372 BE CONCURRED IN.**

Discussion:

00:03:22 Sen. McGee
00:04:03 Sen. Moss
00:04:49 Sen. Juneau
00:06:13 Sen. Curtiss

00:07:34 **Vote:** Motion that **HB 372 BE CONCURRED IN** carried 11-1 by roll call vote with Sen. McGee voting no. Sen. Larsen and Sen. Jent voted by proxy. Sen. Moss will carry HB 372 on the Senate floor.

00:07:40 Sen. Shockley

EXECUTIVE ACTION ON HB 102

00:11:15 **Motion:** Sen. McGee moved that **HB 102 BE CONCURRED IN.**

Discussion:

00:12:47 Sen. Esp
00:13:28 Sen. Hinkle
00:14:15 Sen. Juneau
00:16:30 Sen. Shockley
00:18:52 Sen. Hinkle
00:20:02 Sen. Perry

(Sen. Larsen entered room)

00:21:02 **Vote:** Motion that **HB 102 BE CONCURRED IN** failed 5-7 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye. Sen. Jent voted by proxy.

00:21:49 **Motion:** Sen. McGee moved that **HB 102 BE TABLED AND THE VOTE REVERSED.** Motion carried. Sen. Jent voted by proxy.

00:22:15 Sen. McGee
00:22:34 Valencia Lane, Legislative Services Division

EXECUTIVE ACTION ON HB 490

00:23:58 Sen. Shockley

00:24:29 **Motion:** Sen. McGee moved that **HB 490 BE CONCURRED IN.**

Discussion:

00:25:44 Jorge Quintana, Chief Council, Office of Secretary of State

00:26:33 Sen. Perry

00:26:51 Mr. Quintana

00:27:54 Sen. Perry

00:28:14 Sen. McGee

00:29:20 Sen. Shockley

00:29:57 Mr. Quintana

00:34:45 Sen. Esp

00:35:35 Sen. Perry

00:36:11 Mr. Quintana

00:36:44 Sen. Curtiss

00:37:53 Ms. Lane

00:38:08 Sen. Curtiss

00:38:32 Sen. Moss

00:40:18 Sen. Juneau

00:43:09 **Substitute Motion/Vote:** Sen. Esp made a substitute motion that **HB 490 BE TABLED.** Substitute motion carried with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen Moss voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON HB 55

00:45:49 **Motion:** Sen. McGee moved that **HB 55 BE CONCURRED IN.**

Discussion:

00:45:59 Ms. Lane

00:47:55 **Motion:** Sen. McGee moved that **HB 55 BE AMENDED.**
[EXHIBIT \(jus58a01\)](#)

Discussion:

00:48:26 Ms. Lane

00:50:42 Sen. McGee

00:51:14 Sen. Perry

00:51:25 **Vote:** Motion that **HB 55 BE AMENDED** carried unanimously by voice vote. Sen. Jent voted by proxy.

00:51:50 **Motion:** Sen. McGee moved that **HB 55 BE CONCURRED IN AS AMENDED.**

00:52:00 **Vote:** Motion that **HB 55 BE CONCURRED IN AS AMENDED** carried 9-3 by voice vote with Sen. Esp, Sen. Juneau, and Sen. Moss voting no. Sen. Jent voted by proxy. Sen. Hinkle will carry HB 55 on the Senate floor.

EXECUTIVE ACTION ON HB 133

00:54:17 **Motion:** Sen. McGee moved that **HB 133 BE CONCURRED IN.**

00:54:34 **Motion:** Sen. Perry moved that **HB 133 BE AMENDED.**
[EXHIBIT\(jus58a02\)](#)

Discussion:

00:54:55 Sen. Esp
00:55:06 Ms. Lane
00:55:45 Sen. Laslovich
00:56:06 Sen. Perry
00:57:10 Sen. Laslovich
00:57:53 Sen. Esp
00:58:28 Sen. Larsen
00:59:20 Sen. Esp
00:59:40 Sen. Larsen
00:59:45 Sen. Esp

01:00:27 **Vote:** Motion that **HB 133 BE AMENDED** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

01:01:11 **Motion:** Sen. Perry moved that **HB 133 BE CONCURRED IN AS AMENDED.**

Discussion:

01:01:23 Sen. Shockley

01:02:26 **Motion:** Sen. Shockley moved that **HB 133 BE AMENDED; PAGE 4, LINES 13 THROUGH 14 TO BE REMOVED.**

01:02:47 Sen. Laslovich

01:03:56 Sen. Shockley **WITHDREW MOTION FOR HB 133 TO BE AMENDED BY CONCEPTUAL AMENDMENT.**

01:04:09 **Motion:** Sen. McGee moved that **HB 133 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO STRIKE ALL LANGUAGE EXCEPT SECTION 9 AND SECTION 12.**

Discussion:

01:06:30 Sen. Esp

01:06:48 Sen. Perry

01:06:58 Sen. McGee

01:07:21 Sen. Esp

01:08:12 Sen. McGee **WITHDREW MOTION FOR 133 TO BE AMENDED BY CONCEPTUAL AMENDMENT.**

01:08:21 Sen. Perry

01:08:48 Ms. Lane

01:09:59 **Vote:** Motion that **HB 133 BE CONCURRED IN AS AMENDED** carried 8-4 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, and Sen. Shockley voting no. Sen. Jent voted by proxy. Sen. Esp will carry HB 133 on the Senate floor.

EXECUTIVE ACTION ON HB 150

01:10:55 **Motion:** Sen. McGee moved that **HB 150 BE CONCURRED IN.**

01:11:27 **Motion:** Sen. McGee moved that **HB 150 BE AMENDED.**
[EXHIBIT\(jus58a03\)](#)

Discussion

01:11:57 Sen. McGee

01:12:37 **Vote:** Motion that **HB 150 BE AMENDED** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

01:13:31 **Motion:** Sen. McGee moved that **HB 150 BE CONCURRED IN AS AMENDED.**

Discussion:

01:14:50 Sen. Laslovich

01:17:23 Sen. Shockley

01:21:27 Sen. Hinkle

01:23:38 **Motion:** Sen. Perry moved that **HB 150 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO STRIKE "COMMON AND UNDERSTOOD" ON PAGE 2, LINE 16.**

Discussion:

01:24:12 Sen. Esp

01:24:23 Sen. Larsen

01:24:47 Sen. McGee

01:24:55 **Vote:** Motion that **HB 150 BE AMENDED** carried unanimously by voice vote. Sen. Jent voted by proxy.

01:25:14 **Motion:** Sen. McGee moved that **HB 150 BE CONCURRED IN AS AMENDED.**

Discussion:

01:25:28 Sen. Larsen

01:25:50 Sen. Laslovich

01:26:42 Sen. McGee

01:29:40 Sen. Moss

01:30:51 Sen. Shockley

01:32:07 Sen. Perry

01:33:27 Sen. Laslovich

01:34:13 Sen. McGee

01:34:48 Sen. Perry

01:36:15 **Vote:** Motion that **HB 150 BE CONCURRED IN AS AMENDED** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Laslovich, Sen. Moss, and Sen. Shockley voting no. Sen. Jent voted by proxy. Sen. Perry will carry HB 150 on the Senate floor.

01:37:58 Sen. Perry

ADJOURNMENT

Adjournment: 11:39 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus58aad.pdf](#))