

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 23, 2009 at 10:30
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. Carol C. Juneau (D)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Nadine Spencer, 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 269, HB 362, HB 177, HB 403,
SB 379, HB 188

00:00:11 Sen. Perry
00:01:04 Sen. Larsen entered the hearing.
00:01:17 Sen. Laslovich entered the hearing.
00:01:35 Sen. Hinkle entered the hearing.

EXECUTIVE ACTION ON HB 188

00:02:21 **Motion:** Sen. Juneau moved that **HB 188 BE CONCURRED IN.**

Discussion:

00:03:05 Sen. Juneau
00:04:01 Sen. Hinkle
00:04:42 Sen. Shockley
00:04:49 Sen. Hinkle
00:05:09 Sen. Shockley
00:05:28 Chairman Perry
00:05:33 Sen. Shockley
00:06:03 Chairman Perry

00:06:19 **Vote:** **MOTION FAILED** 6-6 by roll call vote with Sens. Laslovich, Jent, Murphy, Moss, Larsen and Juneau voting aye and Sens. McGee and Jent voting by proxy.

00:07:29 **Motion/Vote:** Sen. Shockley moved that **HB 188 BE TABLED. MOTION CARRIED** 7-5 by roll call vote with Sens. Laslovich, Jent, Juneau, Larsen and Moss voting no.

EXECUTIVE ACTION ON HB 269

00:08:47 **Motion:** Sen. Shockley moved to **RECONSIDER THE PREVIOUS ACTION ON HB 269.**

Discussion:

00:09:24 Sen. Shockley
00:09:44 Chairman Perry

00:09:53 **Vote:** **MOTION CARRIED** 8-2 by voice vote by members present and voting with Sens. Esp and Hinkle voting no.

Discussion:

00:10:22 Sen. Shockley
00:10:40 **Motion:** Sen. Shockley moved that **HB 269 BE CONCURRED IN.**

Discussion:

00:10:57 Sen. Shockley
00:11:30 Chairman Perry left the hearing and Vice Chairman Shockley took the position of Chair.
00:11:54 Sen. Murphy
00:12:40 Vice Chairman Shockley

00:13:06 **Motion:** Vice Chairman Shockley moved that **HB 269 BE AMENDED.**
EXHIBIT (jus64a01)

Discussion:

00:13:24 Sen. Juneau

00:13:52 **Vote:** **MOTION CARRIED** 10-2 by voice vote with Sens. Esp and Hinkle voting no and Sens. McGee, Perry and Jent voting by proxy.

00:14:17 **Motion/Vote:** Vice Chairman Shockley moved that **HB 269 BE CONCURRED IN AS AMENDED. MOTION CARRIED** 10-2 with Sens. Esp and Hinkle voting no and Sens. McGee, Perry and Jent voting by proxy. Sen. Shockley will carry the bill in the Senate.

DISCUSSION ON HB 301

00:15:04 Vice Chairman Shockley
00:15:24 Sen. Larsen
00:15:33 Vice Chairman Shockley
00:15:43 Valencia Lane
00:16:00 Vice Chairman Shockley

EXECUTIVE ACTION ON HB 362

00:16:27 **Motion:** Sen. Laslovich moved that **HB 362 BE CONCURRED IN.**

Discussion:

00:16:47 Vice Chairman Shockley

00:16:54 **Motion:** Sen. Laslovich moved that **HB 362 BE AMENDED.**
EXHIBIT (jus64a02)

Discussion:

00:17:05 Sen. Laslovich

00:17:47 Vice Chairman Shockley
00:17:50 Sen. Laslovich
00:19:35 Vice Chairman Shockley
00:19:41 Sen. Esp
00:20:21 Sen. Laslovich
00:20:26 Valencia Lane

00:21:53 **Vote:** **MOTION CARRIED** unanimously by voice vote with Sens. McGee, Perry and Jent voting by proxy.

00:22:10 **Motion/Vote:** Sen. Laslovich moved that **HB 362 BE CONCURRED IN AS AMENDED. MOTION CARRIED** unanimously by voice vote with Sens. McGee, Perry and Jent voting by proxy. Sen. Laslovich (later changed to Sen. Perry) will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 177

00:23:06 **Motion:** Sen. Laslovich moved that **HB 177 BE CONCURRED IN.**

00:23:14 **Motion:** Sen. Esp moved that **HB 177 BE AMENDED.**
EXHIBIT (jus64a03)

Discussion:

00:23:27 Sen. Esp
00:23:58 Vice Chairman Shockley
00:24:03 Sen. Esp
00:24:07 Vice Chairman Shockley
00:24:10 Sen. Esp
00:24:19 Sen. Laslovich
00:24:47 Vice Chairman Shockley
00:24:53 Sen. Laslovich
00:24:56 Vice Chairman Shockley
00:25:04 Sen. Laslovich
00:25:11 Vice Chairman Shockley

00:25:18 **Vote:** **MOTION CARRIED** unanimously by voice vote with Sens. McGee, Perry and Jent voting by proxy.

00:25:31 **Motion/Vote:** Sen. Laslovich moved that **HB 177 BE CONCURRED IN AS AMENDED. MOTION CARRIED** unanimously by voice vote with Sens. McGee, Perry and Jent voting by proxy. Sen. Laslovich will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 403

00:26:34 **Motion:** Sen. Esp moved that **HB 403 BE CONCURRED IN.**

Discussion:

00:26:43 Vice Chairman Shockley

00:26:48 Sen. Esp

00:27:38 Sen. Larsen

00:28:14 **Vote:** **MOTION CARRIED** unanimously by voice vote with Sens. McGee, Perry and Jent voting by proxy. Sen. Larsen will carry the bill in the Senate.

DISCUSSION ON HB 517

00:29:04 Sen. Esp

00:29:58 Sen. Esp

00:30:04 Vice Chairman Shockley

00:30:09 Sen. Esp

00:30:17 Vice Chairman Shockley

EXECUTIVE ACTION ON SB 379

00:30:40 **Motion:** Sen. Esp moved that **SB 379 DO PASS.**

Discussion:

00:30:51 Sen. Esp

00:30:56 Valencia Lane

00:31:04 **Motion:** Sen. Esp moved that **SB 379 BE AMENDED.**
EXHIBIT (jus64a04)

Discussion:

00:31:13 Vice Chairman Shockley

00:31:16 Sen. Esp

00:31:48 Sen. Moss

00:32:13 Vice Chairman Shockley

00:32:16 Sen. Moss

00:32:24 **Motion:** Sen. Laslovich moved **TO SEGREGATE THE FIRST THREE AMENDMENTS.** (Not voted)

00:32:43 Vice Chairman Shockley instructed the committee to address Items 4-9 of the amendment (Exhibit 4) and then return to Items 1-3.

Discussion:

00:33:01 Sen. Esp
00:34:31 Sen. Larsen
00:34:56 Sen. Perry entered the hearing.

00:35:30 **Vote: MOTION TO AMEND SB 379 WITH ITEMS 4-9 OF EXHIBIT 4 CARRIED** 8-4 by roll call vote with Sens. Jent, Moss, Larsen and Juneau voting no and Sens. McGee and Jent voting by proxy.

00:36:45 **Motion:** Sen. Laslovich moved that **SB 379 DO PASS AS AMENDED.**

Discussion:

00:36:47 Sen. Laslovich
00:37:06 Vice Chairman Shockley
00:37:08 Sen. Laslovich
00:37:36 Vice Chairman Shockley
00:38:16 Chairman Perry
00:39:15 Vice Chairman Shockley
00:39:34 Sen. Laslovich
00:40:22 Vice Chairman Shockley
00:40:57 Sen. Esp
00:41:13 Sen. Hinkle
00:41:31 Vice Chairman Shockley
00:41:42 Sen. Hinkle
00:42:06 Vice Chairman Shockley
00:42:19 Sen. Hinkle
00:42:24 Sen. Esp
00:42:30 Vice Chairman Shockley
00:42:44 Sen. Hinkle
00:42:48 Vice Chairman Shockley
00:43:07 Chairman Perry

00:43:22 **MOTION:** Sen. Esp, referring to his original motion to amend SB 379 with Exhibit 4 in its entirety, **WITHDREW THE AMENDMENTS 1-3 FROM THAT MOTION.**

00:43:30 Valencia Lane
00:44:16 Vice Chairman Shockley
00:44:18 Sen. Esp
00:44:32 Valencia Lane
00:44:34 Sen. Esp
00:44:38 Valencia Lane

00:44:42 Upon clarification from staff and review of previous action, Sen. Esp restated his motion to **WITHDRAW** items of the original amendment and the committee reverted to Sen. Laslovich's motion to **DO PASS AS AMENDED**.

Discussion:

00:44:59 Vice Chairman Shockley

00:47:15 **Motion:** Vice Chairman Shockley moved that **SB 379 BE AMENDED**.

EXHIBIT (jus64a05)

Discussion:

00:47:24 Sen. Laslovich

00:47:34 Vice Chairman Shockley

00:47:51 Valencia Lane

00:48:20 Vice Chairman Shockley

00:48:25 **Vote:** **MOTION CARRIED** 9-3 by voice vote with Sens. Moss, Larsen and Juneau voting no and Sen. McGee and Jent voting by proxy.

00:48:52 **Motion/Vote:** Vice Chairman Shockley moved that **SB 379 DO PASS AS AMENDED**. **MOTION CARRIED** 7-5 by roll call vote with Sens. Laslovich, Jent, Moss, Larsen and Juneau voting no and Sen. McGee and Jent voting by proxy.

ADJOURNMENT

Adjournment: 11:22 P.M.

Nadine Spencer, Secretary

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Additional Documents:

EXHIBIT ([jus64aad.pdf](#))