

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 30, 2009 at 8:00
A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
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: Sen. Larry Jent (D)
Sen. Jim Shockley, Vice Chairman (R)

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 132, 3/23/2009

Executive Action: HB 102-Remove from Table-failed, HB
534-Be Concurred In As Amended, HB
431-Remove from Table/Tabled,
HB 132-Motion Withdrawn, HB 228-Be
Concurred in As Amended

Distributed to the Committee Members regarding HB 228 heard,
3/17/09:

[EXHIBIT\(jus70a01\)](#)

EXECUTIVE ACTION ON HB 102

00:02:05 **Motion:** Sen. Juneau moved **TO REMOVE HB 102 FROM THE TABLE.**

[EXHIBIT\(jus70a02\)](#)

[EXHIBIT\(jus70a03\)](#)

Discussion:

00:03:39 Sen. Perry

00:04:20 Sen. Moss

00:04:54 Sen. Juneau

00:06:05 **Vote:** Motion that **HB 102 BE REMOVED FROM THE TABLE** failed 6-6 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, Sen. Moss, and Sen. Perry voting aye. Sen. Jent and Sen. Shockley voted by proxy.

(Sen. Shockley entered room)

EXECUTIVE ACTION ON HB 534

00:07:43 **Motion:** Sen. Juneau moved that **HB 534 BE CONCURRED IN.**

00:07:55 Valencia Lane, Legislative Services Division

00:09:31 Sen. Juneau **WITHDREW THE MOTION THAT HB 534 BE CONCURRED IN.**

00:09:38 **Motion:** Sen. Juneau moved that **HB 534 BE CONCURRED IN AS AMENDED.** (Amended in previous executive action 3/19/09.)

Discussion:

00:11:11 Ms. Lane

00:11:48 Sen. Shockley

00:12:19 Ms. Lane

00:15:35 **Motion:** Sen. Shockley moved that **HB 534 BE AMENDED.**

[EXHIBIT\(jus70a04\)](#)

Discussion:

00:17:15 Ms. Lane
00:19:25 Sen. Shockley
00:20:13 Sen. McGee
00:20:51 Ms. Lane
00:22:57 Sen. Juneau
00:23:32 Sen. Esp
00:23:46 Sen. Perry
00:23:50 Ms. Lane
00:27:50 Sen. McGee
00:28:12 Sen. Shockley
00:28:55 Sen. Laslovich
00:30:18 Sen. Shockley
00:33:20 Sen. Perry
00:33:29 Sen. Shockley
00:34:02 Sen. Laslovich
00:37:16 Sen. Perry
00:37:42 Sen. Shockley
00:38:42 Sen. McGee

00:39:03 **Vote:** Motion that **HB 534 BE AMENDED** carried unanimously by voice vote. Sen. Jent voted by proxy.

00:39:24 **Motion:** Sen. Shockley moved that **HB 534 BE CONCURRED IN AS AMENDED.**

00:39:43 **Motion:** Sen. Esp moved that **HB 534 BE AMENDED BY CHANGING "REQUEST" TO "MOTION."**

Discussion:

00:40:07 Ms. Lane

00:40:48 **Vote:** Motion that **HB 534 BE AMENDED** carried unanimously by voice vote. Sen. Jent voted by proxy.

00:40:56 **Motion:** Sen. Shockley moved that **HB 534 BE CONCURRED IN AS AMENDED.**

00:41:06 **Motion:** Sen. Shockley moved that **HB 534 BE AMENDED BY CHANGING ON PAGE 1, FROM "THE JUDGE MAY ADMIT" TO "THE JUDGE SHALL ADMIT."**

Discussion:

00:41:31 Sen. McGee

00:41:54 **Vote:** Motion that **HB 534 BE AMENDED** carried 10-2 by voice vote with Sen. Juneau and Sen. Murphy voting no. Sen. Jent voted by proxy.

00:42:12 **Motion:** Sen. Shockley moved that **HB 534 BE CONCURRED IN AS AMENDED.**

Discussion:

00:42:29 Sen. McGee

00:43:10 Sen. Shockley

00:45:42 **Motion/Vote:** Sen. Laslovich moved that **HB 534 BE AMENDED BY REINSERTING SECTION #6.** Motion carried unanimously by voice vote. Sen. Jent voted by proxy.

00:46:29 **Motion/Vote:** Sen. McGee moved that **HB 534 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Jent voted by proxy. Sen. Shockley will carry HB 534 on the Senate floor.

00:47:29 Ms. Lane

00:48:05 Sen. Shockley

00:48:10 Sen. McGee

EXECUTIVE ACTION ON HB 431

00:48:17 **Motion:** Sen. Shockley moved that **HB 431 BE REMOVED FROM THE TABLE.**

Discussion:

00:49:04 Ms. Lane

00:49:41 Sen. Esp

00:50:06 **Vote:** Motion that **HB 431 BE REMOVED FROM THE TABLE** carried 6-5 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. McGee, and Sen. Murphy voting no. (Present and voting only, Sen. Jent did not vote.)

(Sen. Shockley absent from room)

00:51:40 **Motion/Vote:** Sen. McGee moved that **HB 431 BE TABLED**.
Motion carried 7-3 by roll call vote with Sen. Juneau,
Sen. Larsen, and Sen. Moss voting no. (Sen. Shockley
and Sen. Jent did not vote by proxy.)

00:53:08 break

(Sen. Jent entered room)

HEARING ON HB 132

Opening Statement by Sponsor:

00:59:38 Rep. Ron Stoker (R), HD 87, opened the hearing on HB
132, Diversion from involuntary commitment to short-
term inpatient treatment.

EXHIBIT (jus70a05)

Proponents' Testimony:

01:09:46 Anita Roessmann, Attorney, Disability Rights Montana
01:17:32 Kathy McGowan, Community Mental Health Centers;
Sheriffs and Peace Officers Association; Montana County
Attorneys Association
01:22:03 Bob Olsen, Montana Hospital Association; also for Mike
Foster, Wheatland Hospital
01:25:31 Aimee Grmoljez, Billings Clinic
01:27:58 Matt Kuntz, Executive Director, National Alliance
Mental Illness (NAMI) Montana
01:30:09 Brett Linneweber, Park County Attorney, Montana County
Attorneys Association
01:35:10 Gordon Morris, Lewis and Clark County Commissioners

Opponents' Testimony:

01:37:06 Eve Franklin, Office of the Governor
01:42:16 Ed Amberg, Director, Montana State Hospital, Warm
Springs
01:47:59 Mary Dalton, Medicaid Administrator, Adult Services,
Department of Public Health and Human Services (DPHHS)

Informational Testimony:

None

(Sen. Shockley entered room)

Questions from Committee Members and Responses:

01:51:13 Sen. McGee
01:51:35 Ms. Franklin
01:56:53 Sen. McGee
01:57:02 Mr. Amberg
01:57:23 Sen. Murphy
01:57:50 Sen. Larsen
01:58:38 Mr. Amberg
02:01:07 Sen. Larsen
02:01:23 Lou Thompson, Administrator, Addictive and Mental
Disorders Division, DPHHS
02:03:00 Sen. Murphy
02:03:50 Ms. Franklin
02:04:09 Sen. Esp
02:05:00 Rep. Stoker
02:08:08 Sen. Juneau
02:08:53 Ms. Roessmann
02:09:52 Sen. Perry
02:10:12 Mr. Amberg
02:10:37 Sen. Perry
02:10:43 Ms. Dalton

Closing by Sponsor:

02:10:59 Rep. Stoker
02:16:01 break

EXECUTIVE ACTION ON HB 132

02:30:23 **Motion:** Sen. McGee moved that **HB 132 BE CONCURRED IN.**

Discussion:

02:34:04 Sen. Esp
02:35:10 Ms. Lane
02:35:34 Sen. Curtiss
02:36:45 Sen. McGee **WITHDREW THE MOTION THAT HB 132 BE CONCURRED
IN.**

EXECUTIVE ACTION ON HB 228

02:37:14 **Motion:** Sen. McGee moved that **HB 228 BE CONCURRED IN.**

Discussion:

02:42:14 **Motion:** Sen. McGee moved that **HB 228 BE AMENDED.**
EXHIBIT (jus70a06)

Discussion:

02:45:43 Sen. Jent
02:45:49 Sen. Laslovich
02:47:14 Sen. McGee
02:48:26 Sen. Shockley
02:49:18 Sen. McGee

02:49:54 **Vote:** Motion that **HB 228 BE AMENDED** carried
unanimously by voice vote.

02:50:20 **Motion:** Sen. McGee moved that **HB 228 BE CONCURRED IN
AS AMENDED.**

02:50:55 **Motion:** Sen. Perry moved that **HB 228 BE AMENDED.**
EXHIBIT (jus70a07)

Discussion:

02:51:44 Sen. McGee
02:52:51 Ms. Lane
02:53:20 Sen. Esp
02:53:55 Sen. McGee
02:54:10 Sen. Jent
02:54:46 Sen. Hinkle
02:55:07 Sen. Jent

02:55:18 **Vote:** Motion that **HB 228 BE AMENDED** carried 11-1 by
voice vote with Sen. Esp voting no.

02:55:38 **Motion:** Sen. McGee moved that **HB 228 BE CONCURRED IN
AS AMENDED.**

02:56:22 **Motion:** Sen. McGee moved that **HB 228 BE AMENDED.**
EXHIBIT (jus70a08)

02:57:10 **Vote:** Motion that **HB 228 BE AMENDED** carried 11-1 by
voice vote with Sen. Juneau voting no.

02:57:25 **Motion:** Sen. McGee moved that **HB 228 BE CONCURRED IN AS AMENDED.**

Discussion:

02:57:40 Sen. Shockley

02:58:20 Sen. Jent

02:58:50 **Motion/Vote:** Sen. Laslovich moved that **HB 228 BE AMENDED.** Motion carried unanimously by voice vote.
EXHIBIT(jus70a09)

02:59:44 **Motion:** Sen. McGee moved that **HB 228 BE CONCURRED IN AS AMENDED.**

03:00:14 **Motion:** Sen. Shockley moved that **HB 228 BE AMENDED.**
EXHIBIT(jus70a10)

Discussion:

03:01:13 Sen. McGee

03:01:34 **Vote:** Motion that **HB 228 BE AMENDED** carried 11-1 by voice vote with Sen. Juneau voting no.

03:01:47 **Motion:** Sen. McGee moved that **HB 228 BE CONCURRED IN AS AMENDED.**

03:02:16 **Motion:** Sen. Jent moved that **HB 228 BE AMENDED.**
EXHIBIT(jus70a11)

Discussion:

03:03:18 Sen. Shockley

03:03:39 Sen. Jent

03:03:44 Sen. Esp

03:03:56 Sen. McGee

03:04:16 **Vote:** Motion that **HB 228 BE AMENDED** carried 11-1 by voice vote with Sen. Juneau voting no.

03:04:27 **Motion:** Sen. McGee moved that **HB 228 BE CONCURRED IN AS AMENDED.**

03:04:46 **Motion:** Sen. Shockley moved that **HB 228 BE AMENDED.**
EXHIBIT(jus70a12)

Discussion:

03:06:36 Sen. Perry
03:07:13 Sen. Shockley
03:11:59 Sen. McGee
03:13:43 Sen. Esp
03:14:34 Sen. Shockley
03:15:28 Sen. Hinkle
03:16:42 Sen. Laslovich
03:20:40 Sen. Shockley
03:21:51 Sen. Perry
03:22:10 Sen. Shockley
03:22:46 Sen. Perry
03:23:21 Sen. Shockley
03:24:50 Sen. Larsen
03:25:29 Sen. Shockley
03:25:59 Sen. Juneau
03:26:40 Sen. Shockley
03:27:48 Sen. Juneau
03:28:02 Sen. Shockley
03:28:11 Sen. Juneau
03:29:48 Sen. Shockley
03:30:23 Sen. Juneau
03:30:48 Sen. Shockley
03:31:08 Sen. Curtiss
03:31:46 Sen. Shockley
03:32:50 Sen. Esp
03:32:52 Sen. Perry
03:33:01 Sen. Jent
03:34:07 Sen. McGee
03:35:07 Sen. Shockley

03:35:49 **Vote:** Motion that **HB 228 BE AMENDED** failed 4-8 by roll call vote with Sen. Hinkle, Sen. McGee, Sen. Perry, and Sen. Shockley voting aye.

03:36:45 **Motion:** Sen. Jent moved that **HB 228 BE AMENDED**.
[EXHIBIT \(jus70a13\)](#)

Discussion:

03:43:20 Sen. Shockley
03:46:32 Sen. Esp
03:49:03 Sen. McGee
03:49:23 Sen. Jent
03:49:56 Sen. McGee
03:51:06 Sen. Larsen
03:51:48 Sen. Hinkle
03:53:15 Sen. Laslovich

03:57:50 Sen. Perry
03:58:22 Sen. Shockley
04:01:03 Sen. Curtiss
04:02:10 Sen. Murphy
04:04:14 Sen. Perry
04:04:24 Sen. McGee
04:05:09 Sen. Perry
04:05:47 Sen. McGee
04:07:19 Sen. Perry
04:08:08 Sen. McGee
04:08:39 Sen. Perry
04:10:11 Sen. McGee
04:10:57 Sen. Perry
04:11:46 Sen. McGee
04:12:12 Sen. Perry
04:12:23 Sen. Shockley
04:13:08 Sen. Moss

04:14:37 **Vote:** Motion that **HB 228 BE AMENDED** carried 7-5 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, Sen. Murphy, and Sen. Shockley voting no.

04:15:33 **Motion:** Sen. McGee moved that **HB 228 BE CONCURRED IN AS AMENDED.**

04:15:41 **Motion:** Sen. Jent moved that **HB 228 BE AMENDED.**
[EXHIBIT\(jus70a14\)](#)

Discussion:

04:18:12 Sen. McGee
04:18:57 Ms. Lane
04:19:38 Sen. Jent
04:19:59 Sen. McGee
04:20:04 Ali Bovingdon, Assistant Attorney General, Department of Justice
04:20:40 Sen. McGee
04:20:45 Ms. Bovingdon
04:21:10 Sen. Perry
04:21:31 Sen. Shockley
04:21:45 Sen. Perry
04:21:54 Sen. Shockley
04:22:30 Sen. Perry
04:22:44 Sen. Shockley

(Sen. Esp absent from room)

04:22:59 Ms. Lane
04:23:58 Sen. Perry
04:24:14 Sen. McGee
04:24:25 Sen. Jent
04:24:40 Sen. Shockley
04:25:34 Ms. Lane

04:25:54 **Vote:** Motion that **HB 228 BE AMENDED** carried
unanimously by voice vote. Sen. Esp voted by proxy.

04:26:08 **Motion/Vote:** Sen. McGee moved that **HB 228 BE CONCURRED
IN AS AMENDED**. Motion carried 8-4 by roll call vote
with Sen. Murphy, Sen. Moss, Sen. Juneau, and Sen.
Hinkle voting no. Sen. Esp voted by proxy. Sen. McGee
will carry HB 228 on the Senate floor.

ADJOURNMENT

Adjournment: 12:40 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus70aad.pdf](#))