

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE JUDICIARY COMMITTEE

Date: Monday, March 23, 2009
Place: Capitol

Time: 10:00 am
Room: 303

BILLS and RESOLUTIONS HEARD:

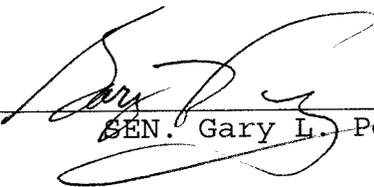
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

<u>HB 269 - BCAA</u>	<u>HB 362 - BCAA</u>	<u>HB 177 - BCAA</u>	<u>HB 403 - BC</u>
SB 379 - BCAA	DPAA HB 188 - T		
_____	_____	_____	_____
_____	_____	_____	_____

COMMENTS:


SEN. Gary L. Perry, Chairman

MONTANA STATE SENATE
Roll Call
JUDICIARY COMMITTEE

DATE: 3/23/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR GARY PERRY, CHAIRMAN	✓	
SENATOR JIM SHOCKLEY, VICE CHAIRMAN	✓	
SENATOR AUBYN CURTISS	✓	
SENATOR JOHN ESP	✓	
SENATOR GREG HINKLE		✓
SENATOR LARRY JENT		✓
SENATOR CAROL JUNEAU	✓	
SENATOR CLIFF LARSEN		✓
SENATOR JESSE LASLOVICH		✓
SENATOR DANIEL MCGEE		✓
SENATOR LYNDA MOSS	✓	
SENATOR TERRY MURPHY	✓	

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **HB 188**, by motion, on **Monday, March 23, 2009**.



(For the Committee)



(Secretary of the Senate)

2, 10, 3/23
(Time) (Date)

March 23, 2009

Nadine A. Spencer, Secretary

Phone: 444-4870



SENATE STANDING COMMITTEE REPORT

March 23, 2009

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Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 269** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Gary K. Perry, Chair

To be carried by Senator Jim Shockley

And, that such amendments read:

1. Title, line 4 through line 5.

Following: "AN ACT" on line 4

Strike: remainder of line 4 through "DETERMINE" on line 5

Insert: "REVISING"

2. Page 1, line 20.

Following: "\$25"

Strike: "a specified number of dollars"

Insert: "every \$75"

3. Page 1, line 21 through line 22.

Following: "fine" on line 21

Strike: remainder of line 21 through "jail" on line 22

4. Page 2, line 8.

Following: "\$20"

Strike: "a specified number of dollars"

Insert: "each \$75"

5. Page 2, line 8 through line 10.

Following: "fine" on line 8

Strike: remainder of line 8 through "jail" on line 10

- END -

Committee Vote:

Yes 10, No 2

Fiscal Note Required

HB0269001SC00415.sdr

DR



SENATE STANDING COMMITTEE REPORT

March 23, 2009

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Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 362** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Senator Gary L. Perry, Chair

To be carried by Senator Gary Perry

And, that such amendments read:

1. Page 2, line 23.

Following: "materials,"

Strike: "naturally occurring biological diseases,"

Insert: "outbreak of disease,"

2. Page 4, line 17.

Following: "medicine."

Insert: "The provisions of [section 6] do not apply to the state of emergency unless the order or proclamation includes a provision authorizing the practice of disaster medicine."

3. Page 5, line 1.

Following: "order"

Strike: "must specify the need to allow for"

Insert: "or proclamation may authorize"

4. Page 5, line 2.

Following: "medicine."

Insert: "The provisions of [section 6] do not apply to the state of disaster unless the order or proclamation includes a provision authorizing the practice of disaster medicine."

5. Page 5, line 19 through line 20.

Following: the second "injury" on line 19

Committee Vote:

Yes 12, No 0

Fiscal Note Required

nm

Strike: remainder of line 19 through "EMERGENCY," on line 20

6. Page 5, line 21.

Following: "misconduct"

Insert: "and as a result of"

7. Page 5, line 22.

Following: line 21

Insert: "(a) an act or omission arising out of activities undertaken in response to the disaster or emergency;"

ReNUMBER: subsequent subsections

8. Page 5, line 22.

Following: "(a)"

Strike: "as a result of"

9. Page 5, line 23.

Following: "(b)"

Strike: "as a result of"

10. Page 6, line 3.

Following: "SUBDIVISION"

Insert: "acting within the scope of the provider's employment or duties"

- END -



SENATE STANDING COMMITTEE REPORT

March 23, 2009

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Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 177** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Gary L. Perry, Chair

To be carried by Senator Jesse Laslovich

And, that such amendments read:

1. Page 1, line 27.

Following: line 26

Insert: "(3) A sexual or violent offender who is subject to lifetime supervision by the department is not eligible for a conditional discharge from supervision."

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required

HB0177001SC01328.sdr

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SENATE STANDING COMMITTEE REPORT

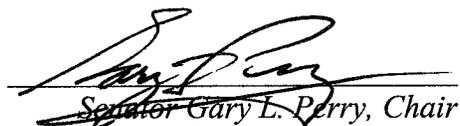
March 23, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 403** (third reading copy -- blue) **be concurred in.**

Signed:


Senator Gary L. Perry, Chair

To be carried by Senator Cliff Larsen

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required

HB0403001SC06471.sdr

DR



SENATE STANDING COMMITTEE REPORT

March 23, 2009

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 379** (second reading copy -- yellow) **do pass as amended.**

Signed:


Senator Gary L. Perry, Chair

And, that such amendments read:

1. Page 1, line 12.

Following: "knowing"

Strike: "or in reckless disregard of the fact"

2. Page 1, line 14 through line 15.

Following: "knowing" on line 14

Strike: remainder of line 14 through "fact" on line 15

3. Page 1, line 16 through line 17.

Following: "knowing" on line 16

Strike: remainder of line 16 through "fact" on line 17

4. Page 1, line 20 through line 21.

Strike: subsection (a) in its entirety

ReNUMBER: subsequent subsections

5. Page 2, line 16.

Strike: "including"

Insert: "excluding"

6. Page 2, line 19.

Strike: "Real property or commercial"

Insert: "Commercial"

7. Page 2, line 20.

Strike: "property"

Committee Vote:

Yes 7, No 5

Fiscal Note Required

SB0379002SC02653.sdr

DK

Insert: "commercial fixtures or equipment"

8. Page 2, line 22.

Strike: "real property or"

9. Page 2, line 28.

Following: line 27

Insert: "(4) This section does not apply to a church, church property, or the property of a corporation or other organization exempt from taxation pursuant to 26 U.S.C. 501(c)(3)."

Renumber: subsequent subsection

- END -

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE march 23, 09 BILL NO. HB 188 MOTION NO. _____
 MOTION: be concurred in

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
SENATOR DANIEL MCGEE		✓	✓
SENATOR JESSE LASLOVICH	✓		
SENATOR AUBYN CURTISS		✓	
SENATOR LARRY JENT	✓		✓
SENATOR TERRY MURPHY	✓		
SENATOR LYNDA MOSS	✓		
SENATOR JOHN ESP		✓	
SENATOR CLIFF LARSEN	✓		
SENATOR CAROL JUNEAU	✓		
SENATOR GREG HINKLE		✓	
SENATOR JIM SHOCKLEY, VICE CHAIR		✓	
SENATOR GARY PERRY, CHAIRMAN		✓	

6 6

Motion failed

MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE

DATE March 23, 09 BILL NO HB 188 MOTION NO. _____
 MOTION: reverse and table

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	✓		✓
SENATOR JESSE LASLOVICH		✓	
SENATOR AUBYN CURTISS	✓		
SENATOR LARRY JENT		✓	✓
SENATOR TERRY MURPHY	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JOHN ESP	✓		
SENATOR CLIFF LARSEN		✓	
SENATOR CAROL JUNEAU		✓	
SENATOR GREG HINKLE	✓		
SENATOR JIM SHOCKLEY, VICE CHAIR	✓		
SENATOR GARY PERRY, CHAIRMAN	✓		

Motion carries
7-5

**MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE**

DATE 3/23/2009 BILL NO 379 MOTION NO. ~~379~~
 MOTION: Segregate 1st 3 amendments

4-9 of the amendment

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
SENATOR DANIEL MCGEE	✓		✓
SENATOR JESSE LASLOVICH	✓		
SENATOR AUBYN CURTISS	✓		
SENATOR LARRY JENT		✓	✓
SENATOR TERRY MURPHY	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JOHN ESP	✓		
SENATOR CLIFF LARSEN		✓	
SENATOR CAROL JUNEAU		✓	
SENATOR GREG HINKLE	✓		
SENATOR JIM SHOCKLEY, VICE CHAIR	✓		
SENATOR GARY PERRY, CHAIRMAN	✓		

8 4

Motion carried

**MONTANA STATE SENATE
Roll Call Vote
JUDICIARY COMMITTEE**

DATE 3/23 BILL NO 379 MOTION NO. _____
 MOTION: ~~Do concur as amended~~

Do pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	✓		✓
SENATOR JESSE LASLOVICH		✓	
SENATOR AUBYN CURTISS	✓		
SENATOR LARRY JENT		✓	✓
SENATOR TERRY MURPHY	✓		
SENATOR LYNDA MOSS		✓	
SENATOR JOHN ESP	✓		
SENATOR CLIFF LARSEN		✓	
SENATOR CAROL JUNEAU		✓	
SENATOR GREG HINKLE	✓		
SENATOR JIM SHOCKLEY, VICE CHAIR	✓		
SENATOR GARY PERRY, CHAIRMAN	✓		

7 5

MOTION carried

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from SEN. JUDICIARY Committee because of other commitments. I desire to leave my proxy vote with:

Sen. Perry

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 157 Amend	✓		HB 362 amend	✓	
SB 157 Disposal Amend	✓		HB 362 concurs	✓	
			as amended		
SB 139 Dotass	✓		HB 177 amend	✓	
			HB 177 concurs		
SB 197 amend	✓		as amended	✓	
SB 197 amend			HB 403 amend	✓	
- 3/13/09 -			HB 403 concurs	✓	
HB 95 recon.	✓		HB 379 amend	✓	
HB 188 concurs		✓	HB 379 amend	✓	
HB 188 table	✓		HB 379 concurs	✓	
HB 269 amend	✓	NO	as amended		
HB 269 concurs	✓				
amend					

3/23

3/23

Sen. Don McLee
(Signature)

Date 1-5-09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Judiciary Committee because of other commitments. I desire to leave my proxy vote with:

Senator Jesse Laslovich

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

11/16/09

BILL/AMENDMENT	AYE	NO
HB372 concurs	✓	
HB102 concurs	✓	
HB120 ^{Rev TABLE}		✓
HB490 SUBTABLE		✓
HB 55 amend	✓	
HB55 concurs as amended	✓	
HB133 amend		✓
HB133 concurs as amended	✓	
HB150 amend		✓
HB150 ^{Perry} concurs as amended	✓	
HB150 concurs as amended		✓

3/23

BILL/AMENDMENT	AYE	NO
HB188 concurs	✓	
HB 188 table		✓
HB 269 amend	✓	
HB269 concurs as amended	✓	
HB362 amend	✓	
HB362 concurs as amended	✓	
HB177 amend	✓	
HB 177 concurs as amended	✓	
HB177 amend	✓	
HB 403 concurs	✓	
HB 379 amend		✓

Sen. _____

Jesse Laslovich
(Signature)

Date _____

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Judiciary Committee because of other commitments. I desire to leave my proxy vote with:

Senator Jesse Laslowich

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT	AYE	NO
SB 497 amend	✓	
3/2/09 HB 121 DO CONCUR	✓	
HB 121 DO CONCUR		
3/6/09 HB 308 amend	✓	
3/9/09 HB 1498 concurred	✓	
3/16/09 -		
HB 372 beconcur.	✓	
HB 102 concus	✓	
HB 490 SUBTABLE		✓
HB 55 amend	✓	
HB 55 concus as amended	✓	

BILL/AMENDMENT	AYE	NO
- 3/16/09 -		
HB 133 amend		✓
HB 133 concus as amended		
HB 133 concus as amended		
HB 133 concus as amended	✓	
amended		
3/29 HB 379 amend	✓	
HB 379 concus as amended		✓

Sen. _____


(Signature)

Date _____

