

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** CHAIRMAN GARY L. PERRY, on January 9, 2009 at 8:00 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: SB 7, SB 50, SB 91, SB 125,  
1/5/2009

Executive Action: SB 40-Do Pass, SB 45-Do Pass As  
Amended, SB 7-Do Pass, SB 125-Do  
Pass, SB 91-Do Pass, SB 50-Tabled

**HEARING ON SB 7**

**Opening Statement by Sponsor:**

00:01:12 **SEN. JESSE LASLOVICH, (D), SD 43**, opened the hearing on **SB 7**. Code commissioner bill. (For Sen. Gebhardt who was absent.)

**Proponents' Testimony:**

00:02:11 Greg Petesch, Legislative Services Division

00:06:13 Sen. Shockley

**Opponents Testimony:**

None

**Informational Testimony:**

None

**Opponents' Testimony:**

00:08:25 Dan Shea, self, retired Supreme Court Judge  
(arrived late)

**Questions from Committee Members and Responses:**

00:06:25 Sen. Esp

00:06:41 Sen. Shockley

00:06:45 Sen. Perry

00:07:06 Sen. Shockley

**Closing by Sponsor:**

00:07:31 Sen. Laslovich (for Sen. Gebhardt)

00:10:01 Sen. McGee

00:11:24 Sen. Perry

HEARING ON SB 50

Opening Statement by Sponsor:

00:12:52 **SEN. JIM SHOCKLEY (R), SD 45**, opened the hearing on **SB 50**, Revise salaries for supreme court justices and district court judges.

Proponents' Testimony:

00:15:00 Dan Shea, self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:16:37 Sen. Shockley

HEARING ON SB 125

Opening Statement by Sponsor:

00:17:06 **SEN. JIM SHOCKLEY (R), SD 45**, opened the hearing on **SB 125**, Clarify composition of judicial nomination commission.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:18:12 Sen. Shockley

**HEARING ON SB 91**

**Opening Statement by Sponsor:**

00:18:35 **SEN. CAROL JUNEAU (D), SD 8**, opened the hearing on **SB 91**, Revise waiver of attorney by youth.

**Proponents' Testimony:**

00:19:33 Nikki Zupanic, ACLU

**Opponents' Testimony:**

None

**Informational Testimony:**

00:20:04 Mark Murphy, Yellowstone County, Chief Criminal Deputy  
00:22:49 Sil Robinson, Montana Board of Crime Control

**Questions from Committee Members and Responses:**

00:23:54 Sen. Esp  
00:24:33 Sen. Juneau  
00:25:27 Sen. Esp  
00:26:08 Mr. Murphy

**Closing by Sponsor:**

00:27:24 Sen. Juneau

00:28:20 Break

**EXECUTIVE ACTION ON SB 40**

00:45:42 **Motion:** SEN. JUNEAU moved that **SB 40 DO PASS.**

00:46:04 **Motion:** SEN. JUNEAU moved that **SB 40 BE AMENDED.**  
**EXHIBIT(jus05a01)**

**Discussion:**

00:49:13 Sen. Perry  
00:49:33 Sen. Jent  
00:49:46 Sen. McGee  
00:52:19 Sen. Esp  
00:53:59 Sen. McGee  
00:55:26 Sen. Juneau  
00:56:23 Sen. Jent  
00:57:40 Sen. Juneau

00:58:45 **Vote:** Motion that **SB 40 BE AMENDED** failed 4-8 by roll call vote with SEN. JUNEAU, SEN. LARSEN, SEN. MOSS, and SEN. MURPHY voting aye.

00:59:39 **Motion:** SEN. MCGEE moved that **SB 40 BE AMENDED.**

**Discussion:**

01:00:31 Sen. Jent  
01:03:46 Sen. Esp  
01:04:39 Sen. Shockley  
01:04:57 Sen. Larsen  
01:05:31 Sen. McGee

01:08:36 **Vote:** Motion that **SB 40 BE AMENDED** failed 6-6 by roll call vote with SEN. MCGEE, SEN. CURTISS, SEN. ESP, SEN. HINKLE, SEN. SHOCKLEY and SEN. PERRY voting aye.

**Discussion:**

01:09:30 Sen. Jent  
01:10:05 Sen. Curtiss  
01:11:34 Sen. Esp

01:12:24 **Motion:** SEN. SHOCKLEY moved to **RECONSIDER THE MOTION** of **SEN. MCGEE'S AMENDMENT FOR SB 40.**

**Discussion:**

01:12:49 Sen. McGee

01:13:06 **Vote:** Motion to **RECONSIDER THE MOTION** on **SB 40** carried 10-2 by voice vote with SEN. JUNEAU and SEN. MOSS voting no.

**Discussion:**

01:13:43 Sen. McGee

01:14:48 Sen. Shockley

01:15:04 Sen. Murphy

01:15:48 Sen. Hinkle

01:16:50 Sen. Laslovich

01:17:29 Sen. Jent

01:19:01 Sen. Perry

01:21:40 **Vote:** Motion that **SB 40 BE AMENDED** failed 6-6 by roll call vote with SEN. CURTISS, SEN. ESP, SEN. HINKLE, SEN. MCGEE, SEN. PERRY, and SEN. SHOCKLEY voting aye.

01:22:34 Sen. Juneau

01:22:58 **Vote:** Motion that **SB 40 DO PASS** carried 11-1 by roll call vote with SEN. CURTISS voting no.

**EXECUTIVE ACTION ON SB 45**

01:23:58 **Motion:** SEN. LASLOVICH moved that **SB 45 DO PASS.**  
**EXHIBIT** (jus05a02)

**Discussion:**

01:25:00 Sen. McGee

01:27:29 **Motion:** SEN. ESP moved that **SB 45 BE AMENDED.**  
**EXHIBIT** (jus05a03)

**Discussion:**

01:28:53 Sen. McGee

01:29:13 Sen. Jent

01:29:33 **Vote:** Motion that **SB 45 BE AMENDED** carried unanimously by voice vote.

01:29:49 **Motion:** SEN. McGEE moved that **SB 45 DO PASS AS AMENDED.**

**Discussion:**

01:29:59 Sen. Jent

01:30:40 **Vote:** Motion that **SB 45 DO PASS AS AMENDED** carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 7**

01:31:14 **Motion/Vote:** SEN. LASLOVICH moved that **SB 7 DO PASS.** Motion carried unanimously by voice vote.

01:32:03 Sen. Perry

**EXECUTIVE ACTION ON SB 50**

01:32:57 **Motion:** SEN. SHOCKLEY moved that **SB 50 DO PASS.**

01:33:06 **Motion/Vote:** SEN. ESP moved that **SB 50 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 125**

01:34:13 **Motion/Vote:** SEN. SHOCKLEY moved that **SB 125 DO PASS.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 91**

01:36:05 **Motion:** SEN. SHOCKLEY moved that **SB 91 DO PASS.**

**Discussion:**

01:36:19 Sen. Juneau

01:37:04 Sen. McGee

01:37:42 Valencia Lane, Legislative Services Division

01:39:52 Sen. Shockley

01:40:22 Sen. McGee

01:41:57 Sen. Jent

01:42:22 Sen. Juneau

01:42:47 **Vote:** Motion that **SB 91 DO PASS** carried unanimously by voice vote.

**ADJOURNMENT**

Adjournment: 9:45 A.M.

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PAM SCHINDLER, Secretary

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Additional Exhibits:

**EXHIBIT ([jus05aad.pdf](#))**