

Montana State Legislature

2013 Session

Additional Documents include:

- * Business Report**
- * Roll Call- attendance**
- * Standing Committee Reports,**
- * Table Bills, Fiscal reports etc.**
- * Roll Call Votes**
- * Witness Statements**
- * Informational items**
- * Visitor Registrations**
- * Any other Documents;**
 - ~ Petitions if any?**
 - ~ Any and all material handed in after the meeting end.**

**The original is on file at the
Montana Historical Society and
may be viewed there.**

**Montana Historical Society Archives
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BUSINESS REPORT
MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION
SENATE JUDICIARY COMMITTEE

Date: Wednesday, February 13, 2013
Place: Capitol

Time: 9:00 AM
Room: 303

BILLS and RESOLUTIONS HEARD:

HB 45 - Require EQC eminent domain handbook be included in condemnation complaint - Rep. Steve Lavin
SB 248 - Revise trespass laws - Sen. Robyn Driscoll

EXECUTIVE ACTION TAKEN:

SB 189-Do Pass As Amended
SB 195-Do Pass As Amended
SB 238-Do Pass
SB 188-Do Pass As Amended-Failed-Tie Vote
SB 220-Tabled

Comments:



SEN. Terry Murphy, Chair

MONTANA STATE SENATE

2013 JUDICIARY COMMITTEE

ROLL CALL

DATE: 2/13/13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN, SENATOR TERRY MURPHY		
VICE CHAIRMAN, SENATOR SCOTT SALES		
SENATOR SHANNON AUGARE		
SENATOR ANDERS BLEWETT		
SENATOR SCOTT BOULANGER		
SENATOR JOHN BRENDEN		
SENATOR ROBYN DRISCOLL		
SENATOR JENNIFER FIELDER		
SENATOR LARRY JENT		
SENATOR CLIFF LARSEN		
SENATOR CHAS VINCENT		
SENATOR ART WITTICH		

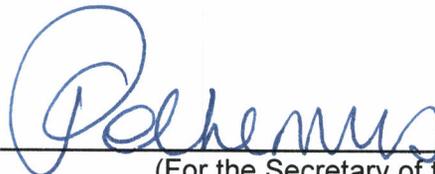
BILL TABLED NOTICE

SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED
SB 220 - Establish guidelines and immunities for physicians who provide end of life care
- Sen. Dick Barrett
, by motion, on **Wednesday, February 13, 2013**.



(For the Committee)



(For the Secretary of the Senate)

11:05, 2/13

(Time)

(Date)

February 13, 2013 (10:47am)

Pam Schindler, Secretary

Phone: 406-444-4891



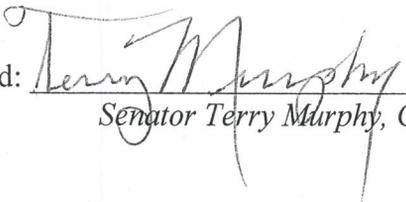
SENATE STANDING COMMITTEE REPORT

February 13, 2013

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 189** (first reading copy -- white) **do pass as amended.**

Signed: 
Senator Terry Murphy, Chair

And, that such amendments read:

1. Title, page 1, line 9.

Following: "DATE"

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 4, line 4 through line 7.

Strike: section 3 in its entirety

- END -

Committee Vote:

Yes 7, No 5

Fiscal Note Required

SB0189001SC.swr



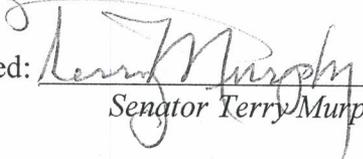
SENATE STANDING COMMITTEE REPORT

February 13, 2013

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 195** (first reading copy -- white) **do pass as amended.**

Signed: 
Senator Terry Murphy, Chair

And, that such amendments read:

1. Title, page 1, lines 4 and 5.

Following: "PRIVATE" on line 4

Insert: "ELECTRONIC"

Following: "INFORMATION" on line 4

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

Insert: "OF JOB APPLICANTS AND EMPLOYEES"

2. Page 1, lines 5 and 6.

Following: "MEDIA" on line 5

Insert: "AND E-MAIL"

Following: "ACCOUNTS" on line 5

Strike: remainder of line 5 through "EMPLOYEES" on line 6

3. Page 1, line 6 and 7.

Strike: "DEFINITIONS" on line 6 through EXCEPTIONS on line 7

Insert: " A DEFINITION"

4. Page 1, line 9 through page 3, line 8.

Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Employer access to applicant or employee social media.** (1) An employer may not require or request an employee or applicant for employment to:

(a) disclose a user name or password for the purpose of allowing the employer to access personal social media;

Committee Vote:

Yes 10, No 2

Fiscal Note Required

SB0195001SC.swr

(b) access personal social media in the presence of the employer; or

(c) divulge any personal social media or information contained on personal social media.

(2) Nothing in this section precludes an employer from requiring or requesting an employee to disclose a user name, password, or other information for the purpose of accessing an employer-issued electronic device, including but not limited to cell phones, computers, or tablet computers.

(3) An employer may not discharge, discipline, threaten to discharge or discipline, or otherwise retaliate against an employee or applicant for not complying with a request or demand by the employer that violates this section.

(4) As used in this section, "personal social media" means a password-protected electronic service or account or electronic content, including but not limited to videos, still photographs, blogs, video blogs, podcasts, instant and text messages, e-mail, online services or accounts, or internet website profiles or locations."

Insert: "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 39, chapter 2, part 3, and the provisions of Title 39, chapter 2, part 3, apply to [section 1]."

- END -



SENATE STANDING COMMITTEE REPORT

February 13, 2013

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 238** (first reading copy -- white) **do pass.**

Signed:


Senator Terry Murphy, Chair

- END -

Committee Vote:

Yes 8, No 4

Fiscal Note Required

SB0238001SC.swr

MONTANA STATE SENATE

ROLL CALL VOTE

2013 JUDICIARY COMMITTEE

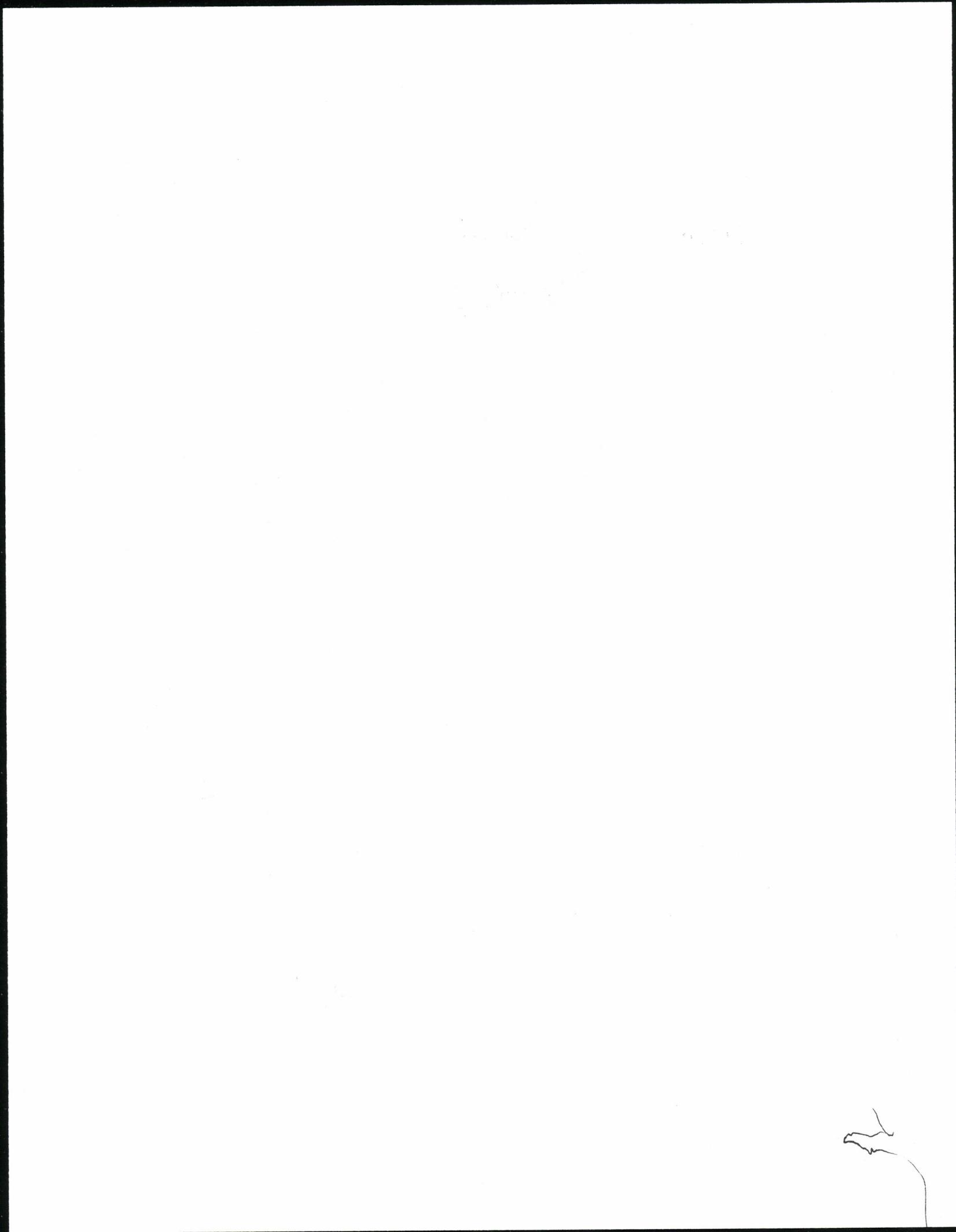
DATE 2/13/13 BILL NO SB220 MOTION NO. 1

MOTION:

Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES		/	
SENATOR JOHN BRENDEN		/	—
SENATOR JENNIFER FIELDER		/	
SENATOR CHAS VINCENT		/	
SENATOR SCOTT BOULANGER		/	
SENATOR ART WITTICH		/	
SENATOR SHANNON AUGARE	/		
SENATOR ANDERS BLEWETT	/		
SENATOR ROBYN DRISCOLL	/		
SENATOR LARRY JENT	/		/
SENATOR CLIFF LARSEN	/		
CHAIRMAN, SENATOR TERRY MURPHY		/	

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MONTANA STATE SENATE

ROLL CALL VOTE

2013 JUDICIARY COMMITTEE

DATE 2/13/13 BILL NO SB220 MOTION NO. 2

MOTION: Reverse - Table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	/		
SENATOR JOHN BRENDEN	/		/
SENATOR JENNIFER FIELDER	/		
SENATOR CHAS VINCENT	/		
SENATOR SCOTT BOULANGER	/		
SENATOR ART WITTICH	/		
SENATOR SHANNON AUGARE	/		
SENATOR ANDERS BLEWETT		/	
SENATOR ROBYN DRISCOLL		/	
SENATOR LARRY JENT	/		/
SENATOR CLIFF LARSEN		/	
CHAIRMAN, SENATOR TERRY MURPHY	/		

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MONTANA STATE SENATE
ROLL CALL VOTE
2013 JUDICIARY COMMITTEE

DATE 2/13/13 BILL NO. SB188 MOTION NO. 1

MOTION: amendment 18802.9jb

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	—		
SENATOR JOHN BRENDEN	—		—
SENATOR JENNIFER FIELDER	—		
SENATOR CHAS VINCENT	—		
SENATOR SCOTT BOULANGER	—		
SENATOR ART WITTICH	—		
SENATOR SHANNON AUGARE	—		
SENATOR ANDERS BLEWETT	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR LARRY JENT	—		—
SENATOR CLIFF LARSEN	—		
CHAIRMAN, SENATOR TERRY MURPHY	—		

12/0

MONTANA STATE SENATE

ROLL CALL VOTE

2013 JUDICIARY COMMITTEE

DATE 2/13/13 BILL NO 188 MOTION NO. 3

MOTION: Do Passes Amendment

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES		1	
SENATOR JOHN BRENDEN		1	1
SENATOR JENNIFER FIELDER	1		
SENATOR CHAS VINCENT		1	
SENATOR SCOTT BOULANGER		1	
SENATOR ART WITTICH		1	
SENATOR SHANNON AUGARE		1	
SENATOR ANDERS BLEWETT	1		
SENATOR ROBYN DRISCOLL	1		
SENATOR LARRY JENT	1		1
SENATOR CLIFF LARSEN	1		
CHAIRMAN, SENATOR TERRY MURPHY	1		

7/5 6/6

MONTANA STATE SENATE

ROLL CALL VOTE

2013 JUDICIARY COMMITTEE

DATE 2/13/13 BILL NO SB189 MOTION NO. 1

MOTION: amendment 18901.9jb

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	—		
SENATOR JOHN BRENDEN	—		—
SENATOR JENNIFER FIELDER	—		
SENATOR CHAS VINCENT	—		
SENATOR SCOTT BOULANGER	—		
SENATOR ART WITTICH	—		
SENATOR SHANNON AUGARE	—		
SENATOR ANDERS BLEWETT	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR LARRY JENT	—		—
SENATOR CLIFF LARSEN	—		
CHAIRMAN, SENATOR TERRY MURPHY	—		

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MONTANA STATE SENATE

ROLL CALL VOTE

2013 JUDICIARY COMMITTEE

DATE 2/13/13 BILL NO SB189 MOTION NO. 3

MOTION: Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES		/	
SENATOR JOHN BRENDEN		/	/
SENATOR JENNIFER FIELDER	/		
SENATOR CHAS VINCENT		/	
SENATOR SCOTT BOULANGER	/		
SENATOR ART WITTICH	/		
SENATOR SHANNON AUGARE		/	
SENATOR ANDERS BLEWETT	/		
SENATOR ROBYN DRISCOLL	/		
SENATOR LARRY JENT	/		/
SENATOR CLIFF LARSEN	/		
CHAIRMAN, SENATOR TERRY MURPHY		/	

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MONTANA STATE SENATE

ROLL CALL VOTE

2013 JUDICIARY COMMITTEE

DATE 2/13/13 BILL NO. SB 95 MOTION NO. 2

MOTION: amendment 19502.9, b

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	—		
SENATOR JOHN BRENDEN	—		—
SENATOR JENNIFER FIELDER	—		
SENATOR CHAS VINCENT	—		
SENATOR SCOTT BOULANGER	—		
SENATOR ART WITTICH	—		
SENATOR SHANNON AUGARE	—		
SENATOR ANDERS BLEWETT	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR LARRY JENT	—		—
SENATOR CLIFF LARSEN	—		
CHAIRMAN, SENATOR TERRY MURPHY	—		

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MONTANA STATE SENATE
ROLL CALL VOTE
2013 JUDICIARY COMMITTEE

DATE 2/13/13 BILL NO SB195 MOTION NO. 3

MOTION: Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES	—		
SENATOR JOHN BRENDEN		—	—
SENATOR JENNIFER FIELDER	—		
SENATOR CHAS VINCENT	—		
SENATOR SCOTT BOULANGER	—		
SENATOR ART WITTICH		—	
SENATOR SHANNON AUGARE	—		
SENATOR ANDERS BLEWETT	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR LARRY JENT	—		—
SENATOR CLIFF LARSEN	—		
CHAIRMAN, SENATOR TERRY MURPHY	—		

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MONTANA STATE SENATE
ROLL CALL VOTE
2013 JUDICIARY COMMITTEE

DATE 2/13/13 BILL NO. SB238 MOTION NO. 1

MOTION:

Do Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN, SENATOR SCOTT SALES		—	
SENATOR JOHN BRENDEN		—	—
SENATOR JENNIFER FIELDER		—	
SENATOR CHAS VINCENT	—		
SENATOR SCOTT BOULANGER		—	
SENATOR ART WITTICH	—		
SENATOR SHANNON AUGARE	—		
SENATOR ANDERS BLEWETT	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR LARRY JENT	—		—
SENATOR CLIFF LARSEN	—		
CHAIRMAN, SENATOR TERRY MURPHY	—		

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2/10/10

NO. 1122

11/10/10

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