

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on January 19, 2007
at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused:

Sen. David E. Wanzenried (D)
Sen. Carol Williams (D)

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

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 227, 1/17/2007; SB 228,
1/17/2007
Executive Action: SB 146, SB 5, SB 67, SB 224

00:01:15 Chair relinquished to Sen. Moss

HEARING ON SB 227

Opening Statement by Sponsor:

00:01:30 SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 227, Revise collection and justice court laws.

Proponents:

00:06:25 Michael Moore, Attorney in Missoula

EXHIBIT(jus13a01)

00:11:52 Bruce Spencer

00:16:43 Jeff Koch, Montana Collectors' Association

00:19:25 Tom England

Opponents:

00:20:00 Mary Phippen, Montana Magistrates' Association

EXHIBIT(jus13a02)

00:22:17 Russ Hyatt, Montana Department of Revenue

Informational Testimony:

Questions from Committee Members and Responses:

00:23:15 Sen. McGee to Sen. Laslovich

00:23:35 Sen. McGee to Michael Moore

00:30:58 Sen. McGee to Sen. Laslovich

00:34:11 Sen. McGee to Mary Phippen

00:38:18 Sen. Shockley to Michael Moore

00:42:10 Sen. O'Neil to Michael Moore

00:46:49 Sen. O'Neil to Mary Phippen

00:48:05 Sen. Juneau to Michael Moore

00:51:06 Sen. Perry to Sen. Laslovich

00:52:31 Sen. Perry to Michael Moore

00:54:56 Sen. Perry to Russ Hyatt

Closing by Sponsor:

00:58:34 Sen. Laslovich

HEARING ON SB 228

Opening Statement by Sponsor:

01:02:27 SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 228, Revise laws on driver education courses.

[EXHIBIT\(jus13a03\)](#)

Proponents: None.

Opponents: None.

Informational Testimony:

01:07:19 Brenda Nordlund, Department of Justice (DOJ)

Questions from Committee Members and Responses:

01:08:47 Sen. Juneau to Sen. Laslovich

01:10:37 Sen. Juneau to Brenda Nordlund

01:12:03 Sen. Shockley to Sen. Laslovich

Closing by Sponsor:

01:13:13 Sen. Laslovich

01:13:40 Break

01:29:04 Resume

EXECUTIVE ACTION ON SB 146

01:29:02 Sen. Laslovich

01:29:26 **Motion:** SEN. SHOCKLEY moved that SB 146 DO PASS.

Discussion:

01:32:02 Valencia Lane, LSD

01:32:17 **Motion/Vote:** SEN. SHOCKLEY moved that SB014603.AVL BE ADOPTED. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. WANZENRIED vote aye by proxy.

Discussion:

01:38:03 **Motion:** SEN. O'NEIL moved that SB014604.AVL BE ADOPTED.

01:38:07 Sen. O'Neil to Valencia Lane

01:39:01 Sen. Shockley

01:40:02 **Motion/Vote:** Motion failed 1-11 by voice vote with SEN. O'NEIL voting aye. SEN. WANZENRIED and SEN. WILLIAMS voted no by proxy.

01:40:27 Sen. Laslovich

Discussion:

01:41:05 **Motion:** SEN. SHOCKLEY moved that SB 146 DO PASS AS AMENDED.

Discussion:

01:40:30 Sen. McGee

01:41:15 Lois Menzies, Administrator, Office of Court Administration

[EXHIBIT\(jus13a04\)](#)

[EXHIBIT\(jus13a05\)](#)

[EXHIBIT\(jus13a06\)](#)

[EXHIBIT\(jus13a07\)](#)

[EXHIBIT\(jus13a08\)](#)

01:45:39 Sen. McGee

01:46:40 **Motion/Vote:** Motion carried unanimously by voice vote.
SEN. WANZENRIED voted aye by proxy.

EXECUTIVE ACTION ON SB 5

01:49:34 Sen. Laslovich

01:49:39 **Motion:** SEN. MCGEE moved that SB 5 DO PASS.

Discussion:

01:49:47 Sen. Perry

01:49:49 Valencia Lane, LSD

01:50:02 **Motion/Vote:** SEN. MCGEE moved that SB 5 BE TABLED.
Motion carried unanimously by voice vote. SEN.
WANZENRIED voted aye by proxy.

EXECUTIVE ACTION ON SB 67

01:51:15 Sen. Laslovich

[EXHIBIT\(jus13a09\)](#)

[EXHIBIT\(jus13a10\)](#)

01:52:18 **Motion:** SEN. JENT moved that SB 67 DO PASS.

Discussion:

01:52:20 **Motion:** SEN. JENT moved that SB006701.AVL BE
ADOPTED.

Discussion:

01:52:22 Sen. Jent

01:52:27 Sen. McGee

01:54:56 Sen. Perry

01:59:34 **Motion/Vote:** Motion carried 8-4 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, and SEN. SHOCKLEY voting no. SEN. WANZENRIED voted aye by proxy.

02:01:25 **Motion:** SEN. JENT moved that SB 67 DO PASS AS AMENDED.

Discussion:

02:02:54 **Motion:** SEN. PERRY moved that SB006702.AVL BE ADOPTED.

Discussion:

02:05:23 Sen. Jent

02:05:47 Sen. O'Neil to Sen. Perry

02:06:45 Sen. Jent

02:09:30 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON AMENDMENT #SB006702.AVL. Motion carried 9-3 by voice vote with SEN. MCGEE, SEN. O'NEIL, and SEN. SHOCKLEY voting no. SEN. WANZENRIED, SEN. JUNEAU AND SEN. WILLIAMS voted aye by proxy.

02:11:05 **Motion/Vote:** SEN. MCGEE moved that CONCEPTUAL AMENDMENT BE ADOPTED. Motion failed 3-9 by voice vote with SEN. CURTISS, SEN. MCGEE, and SEN. O'NEIL voting Aye. SEN WILLIAMS, SEN. WANZENRIED and SEN. JUNEAU voted no by proxy.

02:11:35 **Motion/Vote:** SEN. PERRY moved that CONCEPTUAL AMENDMENT BE ADOPTED. Motion failed 1-11 by roll call vote with SEN. PERRY voting aye.

02:11:57 Sen. Laslovich

Discussion:

02:15:41 Sen. Moss

02:19:20 Sen. O'Neil

02:20:24 Valencia Lane

02:20:28 Sen. McGee

02:27:50 Sen. Shockley

02:29:24 Sen. Perry

02:29:47 Sen. Jent

02:34:50 Sen. McGee

02:36:16 Sen. Perry

02:37:10 Sen. Shockley

02:37:35 Sen. Laslovich

02:39:07 Sen. O'Neil

02:43:03 Motion/Vote: SEN. MOSS CALLED THE QUESTION ON SB 67.
Motion carried 7-5 by roll call vote with SEN. CURTISS,
SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY
voting no.

EXECUTIVE ACTION ON SB 224

02:43:29 Motion: SEN. MOSS moved that SB 224 DO PASS.

Discussion:

02:43:51 Sen. Shockley

02:45:10 Motion/Vote: SEN. LASLOVICH moved that SB022401.ADS BE
ADOPTED. Motion carried unanimously by voice vote. SEN.
WANZENRIED, SEN. WILLIAMS and SEN. JUNEAU voted aye by
proxy.

02:45:33 Sen. Laslovich

02:45:35 Motion: SEN. SHOCKLEY moved that SB 224 DO PASS AS
AMENDED.

Discussion:

02:46:29 Sen. Jent

02:47:35 Sen. McGee

02:49:20 Sen. Curtiss to Sen. Shockley

02:50:42 Sen. Shockley to Sen. Curtiss

02:52:59 **Motion:** SEN. SHOCKLEY moved that AMENDMENT BE ADOPTED.

Discussion:

02:53:57 Sen. Jent

02:54:50 Sen. Shockley

02:58:16 Sen. Laslovich

02:58:30 Valencia Lane, LSD

02:58:49 Sen. Perry

02:58:51 Sen. McGee

02:59:03 Sen. O'Neil

02:59:09 **Substitute Motion/Vote:** SEN. SHOCKLEY made a substitute motion that CONCEPTUAL AMENDMENT BE ADOPTED. Substitute motion carried 9-3 by roll call vote with SEN. JENT, SEN. LASLOVICH, and SEN. MCGEE voting no.

Discussion:

02:59:18 Sen. Laslovich

02:49:20 **Motion:** SEN. SHOCKLEY moved that SB 224 DO PASS AS AMENDED.

Discussion:

02:59:46 Sen. Perry to Sen. Shockley

03:05:14 Sen. Shockley

03:05:23 **Motion/Vote:** SEN. LASLOVICH CALLED THE QUESTION ON SB 224. Motion carried 9-3 by voice vote with SEN. CURTISS, SEN. MCGEE, and SEN. O'NEIL voting no. SEN. WANZENRIED, SEN. WILLIAMS, and SEN. JUNEAU voted aye by proxy.

03:05:40 Sen. Laslovich

03:07:37 Sen. Perry to Sen. Laslovich

ADJOURNMENT

Adjournment: 11:10 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus13aad.pdf](#))