

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on January 24, 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. Gary L. Perry (R)
Sen. Jim Shockley (R)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Gerald Pease (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 41, 1/20/2007; SB 277,
1/20/2007; SB 282, 1/20/2007;
SB 283, 1/20/2007
Executive Action: SB 125; SB 282; SB 228; SB 227;
SB 143

HEARING ON SB 41

Opening Statement by Sponsor:

00:01:07 SEN. JIM ELLIOTT (D), SD 7, opened the hearing on SB 41, Narrow uses for eminent domain.

Proponents:

00:06:11 Nancy Schlepp, Montana Farm Bureau

00:08:25 Riley Johnson, National Federation of Independent Business (NFIB)

[EXHIBIT\(jus16a01\)](#)

[EXHIBIT\(jus16a02\)](#)

00:11:40 Al Smith, Montana Trial Lawyers Association

00:12:29 Pat Torgerson, Women Involved in Farm Economics (WIFE)

00:14:12 Rachael Roberts, Montana Family Foundation

Opponents: None.

Informational Testimony:

00:15:51 Alec Hansen, Montana League of Cities and Towns (MLCT)

Questions from Committee Members and Responses:

00:23:43 Sen. McGee to Sen. Elliott

00:26:59 Sen. Perry to Sen. Elliott

00:28:45 Sen. Jent to Sen. Elliott

00:31:29 Sen. Shockley to Sen. Elliott

00:32:44 Sen. Shockley to Alec Hansen

00:34:48 Sen. O'Neil to Sen. Elliott

00:37:43 Sen. O'Neil to Alec Hansen

00:39:33 Sen. Moss to Alec Hansen

00:41:25 Sen. Moss to Sen. Elliott

00:42:02 Sen. Jent to Sen. Elliott

Closing by Sponsor:

00:42:38 Sen. Elliott

HEARING ON SB 277

Opening Statement by Sponsor:

00:44:01 SEN. RICK LAIBLE (R), SD 44, opened the hearing on SB 277, Address level one sex offenders in prison.

[EXHIBIT\(jus16a03\)](#)

Proponents:

00:52:15 Gloria Hermanson, for Any Hudak of Montana Sex Offenders Treatment Association (MSOTA)

[EXHIBIT\(jus16a04\)](#)

Opponents: None.

Informational Testimony:

00:55:43 Mike Mahoney, Warden, Montana State Prison, Department of Corrections (DOC)

Questions from Committee Members and Responses:

00:56:11 Sen. Shockley to Sen. Laible

00:59:42 Sen. O'Neil to Sen. Laible

01:01:36 Sen. Juneau to Sen. Laible

01:06:41 Sen. Laslovich to Bob Anez, DOC

01:07:36 Sen. Laslovich to Warden Mahoney

01:13:06 Sen. Laslovich to Craig Thomas, Board of Pardons and Parole (BOPP)

01:16:05 Sen. Laslovich to Sen. Laible

01:22:38 Sen. Laslovich to Warden Mahoney

01:23:54 Sen. Laslovich to Craig Thomas

01:25:48 Sen. Jent to Warden Mahoney

01:29:43 Sen. O'Neil to Warden Mahoney

01:32:13 Sen. McGee to Warden Mahoney

01:33:50 Sen. McGee to Bob Anez

Closing by Sponsor:

01:35:09 Sen. Laible

EXHIBIT(jus16a05)

01:39:24 Break

01:55:30 Resume

HEARING ON SB 282

Opening Statement by Sponsor:

01:55:45 **SEN. GREG LIND (D), SD 50**, opened the hearing on **SB 282**, Revise law on implied consent for recording of conversations.

EXHIBIT(jus16a06)

Proponents: None.

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:59:58 Sen. Shockley to Sen. Lind

Closing by Sponsor:

02:01:47 Sen. Lind

HEARING ON SB 283

Opening Statement by Sponsor:

02:02:15 SEN. GREG LIND (D), SD 50, opened the hearing on SB 283, Regulation of event data recorder disclosure and use.

EXHIBIT(jus16a07)

Proponents:

02:07:57 Mona Jamison, General Motors Association

02:09:32 Aidan Myhre, Alliance of Auto Manufacturers

02:11:04 Bruce Spencer, Montana Auto Association

EXHIBIT(jus16a08)

Opponents:

02:13:39 Robert Ward, Enterprise Rent-a-Car

02:14:18 Dwight Easton, Farmer's Insurance Group

02:17:53 Frank Cote, Montana Car Rental Association, and Farmer's Insurance

02:19:56 Larry Kibbee, Property Casualty Insurance Company

Informational Testimony: None.

Questions from Committee Members and Responses:

02:23:10 Sen. Juneau to Sen. Lind

02:23:47 Sen. Juneau to Bruce Spencer

Closing by Sponsor:

02:24:37 Sen. Lind

EXECUTIVE ACTION ON SB 125

EXHIBIT(jus16a09)

02:29:52 **Motion:** SEN. MOSS MOVED THAT SB 125 DO PASS.

02:30:19 **Motion:** SEN. WANZENRIED moved AMENDMENT SB012501.AVL BE ADOPTED.

Discussion:

02:30:57 Beth Brenneman, Montana Advocacy Program

02:33:20 Sen. Jent to Beth Brenneman

02:34:17 **Motion/Vote:** Motion carried unanimously by voice vote. SEN. PEASE and SEN. WILLIAMS voted aye by proxy.

02:34:49 **Motion:** SEN. MOSS moved SB 125 DO PASS AS AMENDED.

02:34:58 Sen. Laslovich

02:36:16 **Discussion:**

02:36:45 **Vote:** Motion carried unanimously by voice vote. SEN. PEASE and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 282

02:37:41 **Motion:** SEN. JENT moved that SB 282 DO PASS.

02:37:57 **Discussion:**

02:38:30 **Vote:** Motion carried unanimously by voice vote. SEN. PEASE and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 228

EXHIBIT(jus16a10)

02:39:41 **Motion:** SEN. SHOCKLEY moved that SB 228 DO PASS.

02:40:35 **Discussion:**

02:40:41 **Motion/Vote:** SEN. LASLOVICH moved that SB022802.AVL BE ADOPTED. Motion carried unanimously by voice vote. SEN. PEASE and SEN. WILLIAMS voted aye by proxy.

02:41:57 Sen. McGee

02:42:30 Sen. Wanzenried

02:42:53 **Motion:** SEN. MCGEE moved that SB 228 DO PASS AS AMENDED.

02:42:54 **Discussion:**

02:44:03 Sen. O'Neil

02:45:27 Sen. Laslovich

02:45:38 Sen. McGee

02:45:58 Sen. Perry

02:47:15 Sen. Laslovich

02:48:46 **Motion:** SEN. WANZENRIED CALLED THE QUESTION ON SB 228.

02:48:50 **Vote:** Motion carried unanimously by voice vote. SEN. PEASE and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 227

02:49:38 **Motion:** SEN. MCGEE moved that SB 227 DO PASS.

Discussion:

02:49:48 Sen. McGee

[EXHIBIT\(jus16a11\)](#)

[EXHIBIT\(jus16a12\)](#)

[EXHIBIT\(jus16a13\)](#)

02:50:28 Sen. Jent to Sen. Laslovich

02:52:04 Sen. Shockley

02:52:22 **Motion/Vote:** SEN. LASLOVICH moved that SB022701.AVL BE ADOPTED. Motion carried unanimously by voice vote. SEN. PEASE and SEN. WILLIAMS voted aye by proxy.

02:53:26 **Discussion:**

02:53:48 **Motion:** SEN. MCGEE moved that SB 227 DO PASS AS AMENDED.

02:54:09 **Motion:** SEN. LASLOVICH moved that SB022703.AVL BE ADOPTED.

02:54:15 **Discussion:**

02:56:57 Sen. Jent

02:58:13 Sen. Shockley

02:58:38 Sen. McGee

02:59:33 Sen. Laslovich

03:00:33 Sen. O'Neil to Sen. Laslovich

03:01:40 **Vote:** Motion failed 3-9 by roll call vote with SEN. MOSS, SEN. MCGEE & SEN. LASLOVICH voting aye. SEN. PEASE voted no by proxy.

03:02:31 **Motion:** Sen. Shockley called the question on SB 227.

03:05:19 **Motion/Vote:** Motion carried 7-5 by roll call vote with SEN. JENT, SEN. JUNEAU, SEN. MOSS, SEN. PEASE, and SEN. PERRY voting no.

03:06:45 Sen. Jent

03:07:22 Sen. McGee

03:07:37 Sen. Shockley

EXECUTIVE ACTION ON SB 143

03:08:07 **Motion:** SEN. SHOCKLEY moved that SB 143 DO PASS.

Discussion:

03:08:56 Sen. Shockley

03:09:58 **Motion:** SEN. SHOCKLEY moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

03:11:15 Sen. Shockley

03:11:48 Valencia Lane, LSD

EXHIBIT(jus16a14)

03:12:46 **Vote: Motion carried unanimously by voice vote.**
SEN. PEASE voted aye by proxy.

03:13:55 Sen. Perry

03:15:18 Sen. Shockley

03:16:04 Sen. Jent

03:16:59 Sen. McGee

03:17:20 Sen. Shockley

03:17:56 Sen. Laslovich

03:18:26 Sen. McGee

03:19:06 Sen. Shockley

03:19:24 Sen. O'Neil

03:19:47 Sen. Perry

03:20:51 Sen. Jent

03:22:30 Sen. Laslovich

03:24:13 Sen. McGee

03:25:58 Sen. Shockley

03:26:50 Sen. Moss

03:27:15 Sen. Shockley

03:27:42 Sen. McGee

03:29:23 Sen. Perry

03:30:53 Sen. Shockley

03:31:14 Sen. Perry

03:32:51 Sen. Shockley

03:33:33 **Motion/Vote: SEN. SHOCKLEY moved that SB 143 DO PASS
AS AMENDED. Motion carried unanimously by voice vote.**
SEN. PEASE voted aye by proxy.

03:34:00 Sen. Laslovich

ADJOURNMENT

Adjournment: 11:40 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus16aad.pdf](#))