

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on February 14, 2007
at 8:05 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)
Sen. David E. Wanzonried (D)
Sen. Carol Williams (D)

Members Excused: None.

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 411, 2/9/2007; SB 404, 2/9/2007
Executive Action: SB 283, SB 363, SB 41, SB 238,
SB 300, SB 411, SB 371, SB 255,
SB 329

HEARING ON SB 411

Opening Statement by Sponsor:

00:01:17 **SEN. RICK LAIBLE (R), SD 44**, opened the hearing on **SB 411**, Expand order of protection to victims of assault.

Proponents:

00:04:40 Jennifer Hill-Hart, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

00:06:51 Ali Bovingdon, Attorney General's Office, Montana Department of Justice

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:08:09 Sen. Jesse Laslovich to Ms. Bovingdon, DOJ

00:09:32 Sen. Jerry O'Neil to Ms. Bovingdon, DOJ

00:11:54 Sen. Carol Juneau to Ms. Bovingdon, DOJ

00:13:59 Sen. Jesse Laslovich to Ms. Bovingdon, DOJ

Closing by Sponsor:

00:15:49 Sen. Laible

HEARING ON SB 404

Opening Statement by Sponsor:

00:16:22 **SEN. GREG LIND (D), SD 50**, opened the hearing on **SB 404**, Revise liability for wildland fires.

Proponents:

00:19:21 Bob Harrington, Montana State Forester, Montana
Department of Natural Resources and Conservation (DNRC)

[EXHIBIT\(jus33a01\)](#)

[EXHIBIT\(jus33a02\)](#)

[EXHIBIT\(jus33a03\)](#)

[EXHIBIT\(jus33a04\)](#)

00:32:02 Brett Waters, Montana County Fire Wardens Association
(MCFWA)

00:35:54 Brian Crandell, Montana Fire Service Mutual Aid

00:37:25 Harold Blattie, Montana Association of Counties (MACo)

00:41:25 Scott Waldron, Chief, Frenchtown Rural Fire District

Opponents:

00:43:29 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony: None.

Questions from Committee Members and Responses:

00:48:47 Sen. Gary Perry to Sen. Lind

00:51:57 Sen. Perry to Mr. Harrington, DNRC

00:53:13 Sen. Larry Jent to Mr. Harrington, DNRC

00:56:50 Sen. Jent to Sen. Lind

00:58:20 Sen. Carol Williams to Mr. Harrington, DNRC

00:59:28 Sen. Jim Shockley to Sen. Lind

01:02:13 Sen. Jerry O'Neil to Sen. Lind

01:04:16 Sen. Perry to Mr. Waters, MCFWA

01:07:45 Sen. Aubyn Curtiss to Mr. Harrington, DNRC

01:13:09 Sen. David Wanzienried to Mr. Harrington, DNRC

01:15:53 Sen. Jesse Laslovich to Mr. Harrington, DNRC

01:17:16 Sen. Laslovich to Mr. Smith, MTLA

01:19:19 Sen. Perry to Mr. Harrington, DNRC

01:19:44 Sen. Shockley to Mr. Smith, MTLA

01:20:55 Sen. Dan McGee to Mr. Smith, MTLA

Closing by Sponsor:

01:21:57 Sen. Lind

01:23:54 Break

01:43:57 Resume

EXECUTIVE ACTION ON SB 283

01:45:00 **Motion/Vote:** SEN. MCGEE moved that SB 283 BE TABLED.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 363

01:47:53 **Motion:** SEN. WANZENRIED moved that SB 363 DO PASS.

Discussion:

01:48:03 Sen. McGee

01:49:03 **Vote:** Motion that SB 363 DO PASS carried unanimously
by voice vote. SEN. SHOCKLEY voted aye by proxy.

EXECUTIVE ACTION ON SB 41

01:50:19 **Motion:** SEN. MCGEE moved that SB 41 DO PASS.

Discussion:

01:50:53 Sen. Perry

01:51:04 Sen. McGee

01:51:27 Sen. Laslovich

01:51:33 Sen. McGee

01:51:40 Sen. Laslovich

01:52:27 **Vote:** Motion carried unanimously by voice vote. SEN. SHOCKLEY voted aye by proxy.

EXECUTIVE ACTION ON SB 238

01:52:59 **Motion:** SEN. WANZENRIED moved that SB 238 DO PASS.

Discussion:

01:53:20 Sen. Laslovich

01:53:23 **Substitute Motion/Vote:** SEN. WANZENRIED made a SUBSTITUTE MOTION that SB 238 BE TABLED. Substitute motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 300

01:54:15 **Motion:** SEN. JENT moved that SB 300 DO PASS.

Discussion:

01:54:25 Sen. Jent

01:55:15 Sen. McGee

01:57:43 Sen. Perry

02:02:56 Sen. Curtiss

02:03:49 Sen. Shockley

02:04:10 Sen. Wanzenried

02:06:46 Sen. Lynda Moss

02:08:04 Sen. O'Neil

02:08:54 **Vote:** Motion that SB 300 DO PASS 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 411

02:10:36 Motion: SEN. JENT moved that SB 411 DO PASS.

Discussion:

02:10:41 Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 371

02:11:28 Motion: SEN. WANZENRIED moved that SB 371 DO PASS.

Discussion:

02:11:50 Sen. O'Neil

02:12:29 Vote: Motion that SB 371 DO PASS failed 5-7 by roll call vote with SEN. JUNEAU, SEN. LASLOVICH, SEN. MOSS, SEN. WANZENRIED, and SEN. WILLIAMS voting aye.

Motion/Vote: SEN. LASLOVICH moved that SB 371 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 255

02:13:44 Motion: SEN. MCGEE moved that SB 255 DO PASS.

Discussion:

02:13:54 Sen. McGee

02:14:45 Motion: SEN. MCGEE moved to amend SB 255 with amendment #SB025501.AMP.

Discussion:

02:16:29 Sen. Wanzenried

02:20:32 Vote: Motion that amendment #SB025501.AMP BE ADOPTED failed 6-6 by roll call vote with SEN. MOSS, SEN. WILLIAMS, SEN. JUNEAU, SEN. PEASE, SEN. JENT, and SEN. WANZENRIED voting no.

Discussion:

02:23:49 Sen. O'Neil

02:24:23 Sen. Laslovich

02:25:09 Sen. Williams

02:26:20 Sen. Perry

02:26:53 **Vote:** Motion that SB 255 DO PASS failed 4-8 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, and SEN. SHOCKLEY voting aye.

02:27:00 **Motion:** SEN. LASLOVICH moved that SB 255 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 329

02:28:23 **Motion:** SEN. O'NEIL moved that SB 329 DO PASS.

Discussion:

02:28:38 Sen. O'Neil

02:30:32 Sen. McGee to Ms. Lane, LSD

02:32:22 Sen. Laslovich to Sen. O'Neil

02:33:16 Ms. Lane, LSD, to Sen. O'Neil

02:34:56 **Motion:** SEN. O'NEIL moved to amend SB 329 with a CONCEPTUAL AMENDMENT.

Discussion:

02:35:38 Sen. McGee

02:36:17 **Vote:** Motion that the CONCEPTUAL AMENDMENT BE ADOPTED failed 6-6 by roll call vote with SEN. MOSS, SEN. WILLIAMS, SEN. JUNEAU, SEN. PEASE. SEN. JENT, and SEN. WANZENRIED voting no.

Discussion:

02:37:07 Sen. O'Neil

02:38:10 Sen. McGee

02:40:14 Sen. Jent

02:40:46 Sen. Shockley

02:41:51 Sen. Perry

02:42:45 Sen. O'Neil

02:43:30 Ms. Lane to Sen. O'Neil

02:43:47 **Motion/Vote:** SEN. O'NEIL moved to amend SB 329 with a CONCEPTUAL AMENDMENT. Motion failed 1-11 by voice vote with SEN. O'NEIL voting aye.

02:44:00 **Vote:** Motion that SB 329 DO PASS failed 1-11 by roll call vote with SEN. O'NEIL voting aye.

02:46:12 **Motion/Vote:** SEN. LASLOVICH moved that SB 329 BE TABLED AND THE VOTE REVERSED. Motion carried.

ADJOURNMENT

Adjournment: 10:50 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus33aad.pdf](#))