

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on February 21, 2007
at 7:00 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)
Sen. David E. Wanzonried (D)

Members Excused:

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 480, 2/19/2007; SB 481,
2/19/2007; SB 512, 2/19/2007; SB
536, 2/19/2007; SJ 14, 2/19/2007
Executive Action: SB 229, SB 426, SB 450, SB 357, SB
192, SB 294, SB 424, SB 447, SB
536, SB 382, SJ 14, SB 383, SB 385,
SB 192, SB 202, SB 433

EXECUTIVE ACTION ON SB 229

00:02:48 **Motion/Vote:** SEN. MCGEE moved that SB 229 BE TABLED. Motion carried 9-3 by voice vote with SEN. LASLOVICH, SEN. PERRY, and SEN. SHOCKLEY voting no. SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 426

00:03:40 **Motion:** SEN. JENT moved that SB 426 DO PASS.

00:04:01 **Discussion:**

00:04:43 Sen. O'Neil

00:06:05 Sen. Laslovich

00:06:49 **Motion:** SEN. O'Neil moved that AMENDMENT BE ADOPTED.

Discussion:

00:06:56 Sen. Jent

00:08:14 **Substitute Motion:** SEN. SHOCKLEY moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

00:09:03 Sen. McGee

00:09:11 Valencia Lane, LSD

00:09:44 Sen. O'Neil

00:10:16 Sen. Perry

00:10:28 Sen. Shockley

00:10:32 Sen. Laslovich

00:10:46 Sen. Jent

00:10:49 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON CONCEPTUAL AMENDMENT. Motion carried unanimously by voice vote.

00:11:35 **Motion:** SEN. JENT moved that SB 426 DO PASS AS AMENDED.

Discussion:

00:12:05 Sen. Jent

00:13:18 Sen. McGee

00:13:57 **Motion:** SEN. JENT moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

00:15:20 Sen. McGee

00:15:28 Sen. Shockley

00:16:04 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON CONCEPTUAL AMENDMENT. Motion carried unanimously by voice vote.

00:16:23 **Motion/Vote:** SEN. SHOCKLEY moved that SB 426 DO PASS AS AMENDED. Motion carried 10-2 by roll call vote with SEN. PERRY and SEN. WANZENRIED voting no.

EXECUTIVE ACTION ON SB 450

00:19:32 **Motion:** SEN. JUNEAU moved that SB 450 DO PASS.

Discussion:

00:21:10 **Motion:** SEN. SHOCKLEY moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

00:21:53 Sen. Laslovich

00:22:07 Sen. Juneau

00:22:36 Sen. McGee

00:22:57 Chris Tweeten, Chairman, Compact Commission

00:24:19 Sen. Laslovich to Chris Tweeten

00:26:12 Sen. Shockley

00:27:08 **Motion:** SEN. WANZENRIED moved to SEGREGATE MOTION TO AMEND.

Discussion:

00:27:31 Sen. Perry

00:27:50 Sen. Jent

00:28:12 **Substitute Motion/Vote:** SEN. LASLOVICH moved that CONCEPTUAL AMENDMENT to change 2013 to 2011 BE ADOPTED. Motion failed 5-7 by roll call vote.

00:29:20 Sen. McGee

00:30:55 Sen. Laslovich

00:31:44 Sen. McGee

00:32:16 Sen. Laslovich

Discussion:

00:32:52 Sen. Laslovich

00:33:44 **Substitute Motion/Vote:** SEN. O'NEIL moved that AMENDMENT: 24 TO 60 MONTHS BE ADOPTED. Motion carried 8-4 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, and SEN. PERRY voting no.

00:34:15 **Motion:** SEN. JUNEAU moved that SB 450 DO PASS AS AMENDED.

Discussion:

00:34:40 Sen. O'Neil

00:35:22 Sen. Laslovich

00:35:29 Sen. Juneau

00:36:17 Sen. Laslovich

00:36:22 Sen. McGee

00:37:36 Sen. Juneau

00:38:14 Sen. Laslovich

00:39:15 Motion/Vote: SEN. O'NEIL moved that AMENDMENT - INSERT 2009 BE ADOPTED. Motion failed 6-6 by roll call vote with SEN. MCGEE, SEN. SHOCKLEY, SEN. CURTISS, SEN. O'NEIL, SEN PERRY and SEN. WANZENRIED voting aye.

00:39:21 Motion/Vote: SEN. MCGEE moved that SB 450 BE TABLED. Motion failed 4-8 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN PERRY and SEN. O'NEIL voting aye.

00:41:15 Motion: SEN. JUNEAU moved that SB 450 DO PASS AS AMENDED.

Discussion:

00:41:18 Sen. Curtiss

00:41:37 Sen. Juneau

00:41:56 Sen. O'Neil

00:42:43 Sen. Laslovich

Discussion:

00:43:52 Vote: Motion carried 7-5 with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting no.

EXECUTIVE ACTION ON SB 357

00:44:39 Sen. Laslovich

00:45:28 Motion/Vote: SEN. MCGEE moved that SB 357 BE TABLED. Motion carried 10-2 by voice vote with SEN. JUNEAU and SEN. WANZENRIED voting no. SEN. PERRY voted aye by proxy.

EXECUTIVE ACTION ON SB 192

00:46:06 Sen. Laslovich

00:46:13 Motion: SEN. JENT moved to RECONSIDER THE MOTION TO TABLE SB 192.

Discussion:

00:47:17 Sen. McGee

00:49:06 Sen. Jent

00:49:09 **Vote:** Motion to RECONSIDER THE TABLE MOTION on SB 192
carried 11-0 by voice vote.

EXECUTIVE ACTION ON SB 294

00:49:33 Sen. Laslovich

00:51:35 **Motion/Vote:** SEN. SHOCKLEY moved to RECONSIDER THE
TABLE MOTION on SB 294. Motion passed 10-1 by voice
vote with SEN. MCGEE voting no.

00:53:02 Break

01:09:13 Resume

HEARING ON SB 480

Opening Statement by Sponsor:

01:10:17 SEN. GREG LIND (D), SD 50, opened the hearing on SB
480, Disclosure of certain data by rental vehicle
entities.

Proponents: None.

Opponents: None.

Informational Testimony:

01:12:20 Frank Cote, Montana Car Rental Association

Questions from Committee Members and Responses:

01:13:27 Sen. O'Neil to Sen. Lind

Closing by Sponsor:

01:15:33 Sen. Lind

01:17:12 Break

01:36:15 Resume

HEARING ON SB 512

Opening Statement by Sponsor:

01:36:35 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 512, Revise probate code.

Proponents: None.

Opponents:

01:41:00 Dan McLean, Helena Attorney

Informational Testimony: None.

Questions from Committee Members and Responses:

01:46:10 Sen. McGee to Sen. Shockley

01:49:21 Sen. Laslovich to Sen. Shockley

01:54:01 Sen. McGee to Sen. Shockley

01:58:18 Sen. Laslovich to Sen. Shockley

02:00:07 Sen. Laslovich to Dan McLean

02:08:19 Sen. Laslovich to Sen. Shockley

Closing by Sponsor:

Sen. Shockley

HEARING ON SB 536

Opening Statement by Sponsor:

01:20:05 SEN. GARY PERRY (R), SD 35, opened the hearing on SB 536, Revise eminent domain laws.

Proponents:

01:22:30 John Fitzpatrick, Northwestern Energy

01:26:46 Geoff Feiss, Manager, General Telecommunications

01:27:45 Phil Maxwell, 2-Rivers Cooperative

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:28:57 Sen. McGee to Sen. Perry

Closing by Sponsor:

01:30:31 Sen. Perry

HEARING ON SJ 14

Opening Statement by Sponsor:

01:15:58 SEN. JERRY O'NEIL (R), SD 3, opened the hearing on SJ 14, Study laws governing judicial branch to enhance serving the public.

Proponents: None.

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:18:06 Sen. Laslovich

Closing by Sponsor:

01:19:23 Sen. O'Neil

HEARING ON SB 481

Opening Statement by Sponsor:

02:11:21 SEN. DAVID WANZENRIED (D), SD 49, opened the hearing on SB 481, Informed consent for marriage.

Proponents:

02:18:17 Tara Veazey, Montana Legal Services

02:20:20 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence.

02:21:43 Olivia Riutta, Working for Equity and Economic Liberation (WHEEL)

Opponents: None.

Informational Testimony:

02:24:51 Mary Phippen, Montana Association of Clerks of District Court

[EXHIBIT\(jus39a01\)](#)

[EXHIBIT\(jus39a02\)](#)

Questions from Committee Members and Responses:

02:26:06 Sen. Laslovich to Sen. Wanzenried

02:28:23 Sen. McGee to Sen. Wanzenried

Closing by Sponsor:

02:32:17 Sen. Wanzenried

02:34:11 Break

02:54:27 Resume

EXECUTIVE ACTION ON SB 424

02:55:18 **Motion:** Sen. Laslovich moved that SB 424 DO PASS.

Discussion:

02:55:49 Sen. Shockley to Sen. Laslovich

03:03:07 Sen. Jent

03:04:03 Sen. O'Neil

03:04:50 Sen. Laslovich

03:05:04 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON SB 424.
Motion carried unanimously by voice vote. SEN. MOSS,
SEN. WILLIAMS AND SEN. WANZENRIED voted aye by proxy.

EXECUTIVE ACTION ON SB 447

03:06:38 Sen. Laslovich

03:06:43 **Motion:** SEN. PERRY moved that SB 447 DO PASS.

Discussion:

EXHIBIT(jus39a03)

03:08:41 **Motion:** SEN. PERRY moved that SB044701.AVL BE ADOPTED.

Discussion:

03:10:20 Sen. Laslovich

03:10:25 Sen. McGee

03:13:00 Sen. Shockley

03:13:18 Valencia Lane, LSD

03:13:47 **Substitute Motion:** SEN. PERRY made a substitute motion
on the AMENDMENT.

Discussion:

03:14:21 Sen. Laslovich to Sen. Jent

03:15:28 Sen. Juneau

03:17:43 Sen. O'Neil

03:18:11 Sen. McGee

03:18:41 Valencia Lane

03:19:09 Sen. McGee to Valencia Lane

03:19:24 Sen. McGee

03:20:48 Sen. Juneau

03:21:03 Valencia Lane

03:21:14 Sen. Laslovich

03:21:40 Sen. Juneau

03:22:03 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON
SUBSTITUTE AMENDMENT. Motion carried unanimously by
voice vote. SEN. WANZENRIED, SEN. WILLIAMS and SEN.
MOSS voted aye by proxy.

03:22:20 **Motion:** SEN. PERRY moved that SB 447 DO PASS AS
AMENDED.

Discussion:

03:22:32 Sen. Shockley

03:22:57 Sen. Perry

03:23:34 Sen. Shockley

03:23:51 Sen. O'Neil

03:24:12 Sen. McGee

03:25:41 Sen. Shockley

03:26:25 Sen. Laslovich

03:28:08 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON SB 447
AS AMENDED. Motion carried 11-1 by voice vote with SEN.
SHOCKLEY voting no. SEN. MOSS and SEN. WANZENRIED voted
aye by proxy.

EXECUTIVE ACTION ON SB 536

03:29:05 Sen. Laslovich

03:29:15 **Motion:** SEN. PERRY moved that SB 536 DO PASS.

Discussion:

03:29:20 Sen. Laslovich

03:29:50 **Motion:** SEN. PERRY moved that SB053601.AGP BE ADOPTED.

EXHIBIT(jus39a04)

03:30:06 Motion/Vote: SEN. LASLOVICH CALLED THE QUESTION ON AMENDMENT. Motion carried unanimously by voice vote. SEN. MOSS and SEN WANZENRIED voted aye by proxy.

03:30:46 Motion: SEN. PERRY moved that SB 536 DO PASS AS AMENDED.

Discussion:

03:30:54 Sen. Shockley

03:31:15 Sen. Perry

03:31:58 Motion/Vote: SEN. JENT CALLED THE QUESTION. Motion carried unanimously by voice vote. SEN. MOSS and SEN. WANZENRIED voted aye by proxy.

EXECUTIVE ACTION ON SB 382

03:32:34 Sen. Laslovich

EXHIBIT(jus39a05)

03:32:54 Motion: SEN. LASLOVICH moved that SB 382 DO PASS.

Motion: SEN. LASLOVICH moved that SB038204.AVL BE ADOPTED.

Discussion:

03:33:34 Sen. Laslovich

03:34:09 Valencia Lane, LSD

03:35:16 Sen. McGee to Valencia Lane

03:39:28 Sen. McGee

03:40:19 Sen. Shockley

03:41:49 Sen. McGee to Valencia Lane

03:42:14 Sen. Jent

03:43:15 Motion/Vote: SEN. JENT CALLED THE QUESTION ON SB038204.AVL. Motion carried unanimously by voice

vote. SEN. JUNEAU, SEN. WANZENRIED, SEN. MOSS and SEN. PERRY voted aye by proxy.

03:43:33 **Motion: SEN. LASLOVICH moved that SB 382 DO PASS AS AMENDED.**

Discussion:

03:44:59 Sen. McGee

03:46:03 Sen. Jent

03:46:20 Sen. McGee to Valencia Lane

03:46:43 Sen. O'Neil

03:48:22 **Motion: SEN. MCGEE moved that CONCEPTUAL AMENDMENT BE ADOPTED.**

Discussion:

03:50:08 Sen. Laslovich to Valencia Lane

03:50:22 Sen. McGee

03:50:45 **Motion/Vote: SEN. MCGEE CALLED THE QUESTION ON SB 382. Motion carried unanimously by voice vote. SEN. JUNEAU, SEN. WANZENRIED and SEN. MOSS voted aye by proxy.**

03:51:09 **Motion: SEN. LASLOVICH moved that SB 382 DO PASS AS AMENDED.**

Discussion:

03:51:48 Sen. O'Neil

Motion/Vote: SEN. MCGEE CALLED THE QUESTION ON SB 382. Motion carried 11-1 by voice vote with SEN. O'NEIL voting no. SEN. JUNEAU, SEN. MOSS and SEN. WANZENRIED voted aye by proxy.

EXECUTIVE ACTION ON SJ 14

03:53:17 Sen. Laslovich

03:53:20 **Motion: SEN. O'NEIL moved that SJ 14 DO PASS.**

Discussion:

03:53:33 Sen. O'Neil

03:53:48 Sen. Laslovich

03:54:43 Sen. O'Neil

03:57:16 Motion/Vote: THE QUESTION WAS CALLED ON SJ 14.
Motion failed 1-11 by roll call vote with SEN. O'NEIL
voting aye. SEN. MOSS and SEN. WANZENRIED voted no by
proxy.

03:57:50 Motion/Vote: SEN. LASLOVICH moved that SJ 14 BE TABLED
AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 383

03:58:38 Sen. Laslovich

[EXHIBIT\(jus39a06\)](#)

[EXHIBIT\(jus39a07\)](#)

04:02:03 Motion: SEN. LASLOVICH moved that SB 383 DO PASS.

Discussion:

Motion: SEN. LASLOVICH moved that SB038302.AGP BE
ADOPTED.

Discussion:

Motion/Vote: SEN. MCGEE CALLED THE QUESTION ON
AMENDMENT. Motion carried unanimously by voice vote.
SEN. WANZENRIED, SEN. MOSS, SEN. WILLIAMS, and SEN.
SHOCKLEY voted aye by proxy.

04:04:32 Motion: SEN. LASLOVICH moved that SB 383 DO PASS AS
AMENDED.

Discussion:

Motion: SEN. LASLOVICH moved that SB038303.AGP BE
ADOPTED.

Discussion:

04:05:39 Sen. McGee

04:06:19 Sen. Jent

04:07:22 Sen. Laslovich

04:07:36 **Sen. Laslovich withdrew amendment SB038303.AGP.**

04:08:02 **Sen. Laslovich moved amendment SB038301.AGP.**

Discussion:

04:09:26 Sen. Jent

04:11:35 Sen. McGee

04:11:50 Sen. Jent

04:12:21 **Motion/Vote: SEN. JENT CALLED THE QUESTION ON AMENDMENT. Motion carried unanimously by voice vote. SEN. WANZENRIED and SEN. MOSS voted aye by proxy.**

04:12:47 **Motion: SEN. LASLOVICH moved that SB 383 DO PASS AS AMENDED.**

Discussion:

04:13:04 Sen. Jent

04:13:55 Sen. O'Neil

04:15:34 **Motion/Vote: SEN. JENT CALLED THE QUESTION ON SB 383. Motion carried unanimously by voice vote. SEN. WANZENRIED, SEN. MOSS and SEN. SHOCKLEY voted aye by proxy.**

04:16:15 Sen. Laslovich

04:16:20 Sen. Perry

EXECUTIVE ACTION ON SB 385

04:16:41 Sen. Laslovich

04:16:53 **Motion: SEN. JUNEAU moved that SB 385 DO PASS.**

Discussion:

04:17:03 **Motion:** SEN. JUNEAU moved that AMENDMENT SB038501.AVL
BE ADOPTED.

Discussion:

[EXHIBIT\(jus39a08\)](#)

04:18:24 Valencia Lane, LSD

04:19:21 Sen. Laslovich

04:19:26 Sen. McGee

04:20:07 Sen. Laslovich

Discussion:

04:20:16 **Motion/Vote:** SEN. WILLIAMS CALLED THE QUESTION ON
AMENDMENT. Motion carried 10-2 by voice vote with SEN.
O'NEIL and SEN. SHOCKLEY voting no. SEN. WANZENRIED and
SEN. MOSS voted aye by proxy.

04:20:52 **Motion:** SEN. LASLOVICH moved that SB 385 DO PASS AS
AMENDED.

Discussion:

04:22:43 Sen. Shockley

04:22:56 Sen. Jent

04:24:35 Sen. Laslovich

04:24:43 Sen. McGee

04:25:04 Sen. Jent

04:25:16 Sen. Laslovich

04:25:25 Sen. Shockley

04:25:44 Sen. McGee

04:26:11 Sen. Jent

04:26:37 Sen. McGee

04:26:44 **Motion/Vote:** SEN. MCGEE moved that SB 385 BE TABLED.
Motion carried 11-1 by voice vote with SEN. JUNEAU

voting no. SEN. MOSS and SEN. WANZENRIED voted aye by proxy.

EXECUTIVE ACTION ON SB 192

04:27:51 Motion: SEN. JENT moved that SB 192 DO PASS.

Discussion:

04:29:54 Sen. Laslovich

04:30:21 Motion: SEN. JENT moved that SB019201.ALH BE ADOPTED.

Discussion:

EXHIBIT(jus39a09)

04:31:34 Motion/Vote: SEN. MCGEE CALLED THE QUESTION ON AMENDMENT. Motion carried unanimously by voice vote. SEN. MOSS and SEN. WANZENRIED voted aye by proxy.

04:31:49 Motion/Vote: SEN. JENT moved that SB 192 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. MOSS and SEN. WANZENRIED voted aye by proxy.

EXECUTIVE ACTION ON SB 202

04:32:15 Sen. Laslovich

EXHIBIT(jus39a10)

04:32:31 Motion: SEN. SHOCKLEY moved that SB 202 DO PASS.

Discussion:

04:32:41 Sen. Laslovich

04:33:45 Motion: SEN. LASLOVICH moved SB020201.AVL.

Discussion:

04:39:21 Motion/Vote: SEN. MCGEE CALLED THE QUESTION ON AMENDMENT. Motion carried unanimously by voice vote. SEN. WANZENRIED and SEN. MOSS voted aye by proxy.

04:39:41 Motion: SEN. LASLOVICH moved that SB 202 DO PASS AS AMENDED.

Discussion:

04:39:49 Sen. Shockley

04:40:27 Sen. Williams

04:41:42 Sen. O'Neil

04:45:19 Sen. Williams

04:45:39 Sen. McGee

04:48:08 Sen. Shockley

04:49:25 Sen. McGee

04:49:46 Sen. Perry

04:50:08 Sen. Shockley

04:50:17 Sen. Perry

04:50:43 Sen. Shockley

04:51:13 Sen. Perry

04:52:46 Sen. Laslovich

04:56:42 Sen. Shockley

04:57:13 Sen. Perry

04:57:01 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON SB 202. Motion carried by roll call vote. SEN. MCGEE, SEN. PERRY, SEN. O'NEIL, and SEN. CURTISS VOTING NO. SEN. MOSS AND SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 433

04:59:09 **Motion:** SEN. JENT moved that SB 433 DO PASS.

Discussion:

04:59:28 Sen. Laslovich

EXHIBIT(jus39a11)

05:00:03 Sen. Jent

05:01:28 **Motion:** SEN. LASLOVICH moved that SB043301.AVL BE
ADOPTED.

Discussion:

05:03:17 Sen. Perry

05:03:42 Sen. Shockley

05:04:23 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON
AMENDMENT. Motion carried unanimously by voice vote.
SEN. WILLIAMS and SEN. MOSS voted aye by proxy.

05:04:39 **Motion:** SEN. LASLOVICH moved that SB 433 DO PASS AS
AMENDED.

Discussion:

05:04:45 Sen. McGee

05:05:26 Sen. Laslovich

05:06:13 Sen. McGee

05:06:22 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON SB 433.
Motion carried unanimously by voice vote. SEN. WILLIAMS
and SEN. MOSS voted aye by proxy.

ADJOURNMENT

Adjournment: 12:08 P.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus39aad.pdf](#))