

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on February 23, 2007
at 7:30 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
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. Wanzenried (D)
Sen. Carol Williams (D)

Members Excused:

Sen. Larry Jent (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 548, 2/21/2007;
Executive Action: SB 481, SB 480, SB 404, SB 198, SB
28, SB 171, SB 183, SB 393, SB 477, SB 476, SB 486, SB
346, SB 309, SB 512, SB 454, SB 389, SB 547, SB 18, SB
482, SB 277, SB 545, SB 546, SB 548.

EXECUTIVE ACTION ON SB 481

00:00:08 Motion: SEN. WANZENRIED moved that SB 481 DO PASS.

Discussion:

[EXHIBIT\(jus41a01\)](#)

00:00:52 Motion: SEN. WANZENRIED moved that SB0481.AVL BE ADOPTED.

Discussion:

00:01:16 Motion/Vote: Motion carried unanimously by voice vote. SEN. PERRY, SEN. WILLIAMS and SEN. JENT voted aye by proxy.

Discussion:

00:02:32 Motion: SEN. WANZENRIED moved that SB 481 DO PASS AS AMENDED.

Discussion:

00:03:00 Sen. McGee to Sen. Wanzenried

00:03:35 Sen. O'Neil to Sen. Wanzenried

00:03:57 Motion/Vote: Motion carried 10-2 by voice vote with SEN. MCGEE voting no and SEN. PERRY voting no by Proxy. SEN. JENT voted aye by proxy.

EXECUTIVE ACTION ON SB 480

00:06:27 Motion: SEN. WILLIAMS moved that SB 480 DO PASS.

Discussion:

[EXHIBIT\(jus41a02\)](#)

00:08:19 Motion/Vote: SEN. WILLIAMS moved that SB048001.APM BE ADOPTED. Motion carried unanimously by voice vote. SEN. PERRY and SEN. JENT voted aye by proxy.

00:08:56 Sen. O'Neil

00:08:54 **Motion:** SEN. WILLIAMS moved that SB 480 DO PASS AS AMENDED.

00:08:58 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON SB 480. Motion carried unanimously by voice vote. SEN. JENT and SEN. PERRY voted aye by proxy.

EXECUTIVE ACTION ON SB 404

00:12:07 **Motion:** SEN. WANZENRIED moved that SB 404 DO PASS.

EXHIBIT(jus41a03)

00:12:09 **Motion:** SEN. WANZENRIED moved that SB040402.ALH BE ADOPTED.

Discussion:

00:12:36 Tim Hall, Chief, Legal Counsel, Montana Department of Natural

00:18:22 Sen. Laslovich to Tim Hall

00:19:55 Sen. Juneau to Tim Hall

00:21:59 Sen. Juneau to John Connor, Department of Justice

00:24:22 Sen. McGee to John Connor

00:27:21 Valencia Lane, LSD

00:29:43 Sen. Juneau

00:30:47 Valencia Lane

00:31:20 John Connor

00:32:46 Valencia Lane

00:33:36 Sen. O'Neil to John Connor

00:34:55 **Motion:** SEN. LASLOVICH moved to segregate amendment.

00:35:49 Sen. Laslovich

00:37:59 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON AMENDMENTS 1 & 2. Motion carried unanimously. SEN. JENT and SEN. PERRY voted aye by proxy.

00:38:00 Sen. Laslovich

00:41:34 Sen. O'Neil

00:42:12 Motion/Vote: SEN. SHOCKLEY moved that INDIVIDUAL CRIMES AMENDMENT BE ADOPTED. Motion failed unanimously by voice vote. SEN. JENT and SEN. PERRY voted no by proxy.

00:42:15 Motion: SEN. SHOCKLEY moved that SB 404 DO PASS AS AMENDED.

00:42:48 Motion/Vote: SEN. SHOCKLEY CALLED THE QUESTION ON SB 404. Motion carried unanimously by voice vote. SEN. JENT and SEN. PERRY voted aye by proxy.

00:43:58 Break

00:53:19 Resume

EXECUTIVE ACTION ON SB 198

00:54:03 Motion/Vote: SEN. MCGEE moved that SB 198 BE TABLED. Motion carried unanimously by voice vote. SEN. JENT, SEN. WANZENRIED and SEN. PERRY voted aye by proxy.

EXECUTIVE ACTION ON SB 28

00:55:57 Motion/Vote: SEN. SHOCKLEY moved that SB 28 BE TABLED. Motion carried unanimously by voice vote. SEN. WANZENRIED, SEN. JENT and SEN. PERRY voted aye by proxy.

EXECUTIVE ACTION ON SB 171

00:56:42 Motion/Vote: SEN. SHOCKLEY moved that SB 171 BE TABLED. Motion carried unanimously by voice vote. SEN. WANZENRIED, SEN. JENT and SEN. PERRY voted aye by proxy.

EXECUTIVE ACTION ON SB 183

00:56:09 Motion/Vote: SEN. SHOCKLEY moved that SB 183 BE TABLED. Motion carried unanimously by voice vote. SEN. WANZENRIED, SEN. JENT and SEN. PERRY voted aye by proxy.

HEARING ON SB 548

Opening Statement by Sponsor:

00:58:13 SEN. GARY PERRY (R), SD 35, opened the hearing on SB 548, Report of canvass is election record for certified rosters of legislators.

[EXHIBIT\(jus41a04\)](#)

[EXHIBIT\(jus41a05\)](#)

[EXHIBIT\(jus41a06\)](#)

Proponents:

01:36:00 Janice Doggett, Chief Counsel for Secretary of State

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

01:37:42 Sen. Perry

EXECUTIVE ACTION ON SB 393

01:38:31 Motion: SEN. LASLOVICH moved that SB 393 DO PASS.

Discussion:

[EXHIBIT\(jus41a07\)](#)

01:39:41 Motion: SEN. LASLOVICH moved that SB039302.AVL BE ADOPTED.

Discussion:

01:40:08 Valencia Lane, LSD

01:42:33 Motion/Vote: SEN. MOSS CALLED THE QUESTION ON SB039302.AVL. Motion carried unanimously by voice vote. SEN. WANZENRIED and SEN. JENT voted aye by proxy.

01:43:03 Motion: SEN. LASLOVICH moved that SB 393 DO PASS AS AMENDED.

Discussion:

01:43:59 Sen. McGee

01:45:07 Sen. O'Neil

01:45:39 Motion/Vote: Motion carried 8-4 by voice vote with SEN. SHOCKLEY, SEN. MCGEE, and SEN. CURTIS voting no. SEN. PERRY voted no by proxy. SEN. JENT and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 477

01:46:45 Motion: SEN. O'NEIL moved that SB 477 DO PASS.

Discussion:

01:46:58 Sen. O'Neil

01:48:15 Sen. McGee

01:50:32 Motion: SEN. MOSS CALLED THE QUESTION ON SB 477.

01:50:45 Sen. Curtiss

01:51:17 Sen. O'Neil

01:53:25 Motion/Vote: Motion failed 2-10 by voice vote with SEN. CURTISS and SEN. O'NEIL voting aye. SEN. WILLIAMS and SEN. JENT voted no by proxy.

01:53:45 Motion/Vote: SEN. LASLOVICH moved that SB 477 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 476

01:54:02 Motion: SEN. O'NEIL moved that SB 476 DO PASS.

Discussion:

- 01:54:55 Sen. O'Neil
- 01:56:15 Sen. Laslovich
- 01:56:21 Sen. Shockley
- 01:56:39 Sen. McGee
- 01:56:47 Sen. Laslovich
- 01:57:45 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON SB 476. Motion failed 5-7 by roll call vote with SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, SEN. SHOCKLEY, and SEN. WANZENRIED voting aye.
- 01:58:07 Motion/Vote: SEN. LASLOVICH moved that SB 476 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 486

- 01:59:26 Motion: SEN. SHOCKLEY moved that SB 486 DO PASS.

Discussion:

[EXHIBIT \(jus41a08\)](#)

- 02:00:25 Motion: SEN. SHOCKLEY moved that SB048601.AVL BE ADOPTED.

Discussion:

- 02:01:07 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. JENT voted aye by proxy.
- 02:01:35 Motion: SEN. SHOCKLEY moved that SB 486 DO PASS AS AMENDED.
- 02:01:43 Motion: SEN. O'NEIL moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

02:03:53 **Motion/Vote:** SEN. SHOCKLEY CALLED THE QUESTION ON CONCEPTUAL AMENDMENT. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. JENT voted aye by proxy.

02:04:14 Sen. McGee

02:04:50 **Motion:** SEN. SHOCKLEY moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

02:05:43 Valencia Lane, LSD

02:06:35 **Motion/Vote:** Motion to adopt CONCEPTUAL AMENDMENT carried unanimously by voice vote.

02:06:53 **Motion:** SEN. SHOCKLEY moved that SB 486 DO PASS AS AMENDED.

Discussion:

02:07:43 Sen. Perry to Sen. Shockley

02:09:47 Sen. Perry

02:09:55 **Motion:** SEN. WANZENRIED CALLED THE QUESTION ON SB 486.

02:09:56 **Motion/Vote:** Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. JENT voted aye by proxy.

EXECUTIVE ACTION ON SB 346

02:10:52 **Motion:** SEN. SHOCKLEY moved that SB 346 DO PASS.

Discussion:

[EXHIBIT\(jus41a09\)](#)

[EXHIBIT\(jus41a10\)](#)

02:12:49 Sen. Shockley

02:18:50 Sen. Wanzenried

02:19:02 Ann Brodsky, Legal Counsel for Governor

02:25:14 Sen. Wanzenried

02:25:54 Sen. Laslovich

02:25:57 **Motion:** SEN. SHOCKLEY moved that SB034605.ADN BE ADOPTED.

Discussion:

02:26:13 Sen. Curtiss

02:26:37 Sen. Shockley

02:27:38 **Vote:** SEN. MCGEE CALLED THE QUESTION ON SB034605.ADN. Motion failed 6-6 by roll call vote with SEN. JENT, SEN. JUNEAU, SEN. LASLOVICH, SEN. MOSS, SEN. PEASE, and SEN. WANZENRIED voting aye.

02:28:24 **Motion/Vote:** SEN. WANZENRIED moved that SB034601.ASB BE ADOPTED. Motion carried by roll call vote 10-2.

02:29:17 **Motion:** SEN. SHOCKLEY moved that SB 346 DO PASS AS AMENDED.

Discussion:

02:30:20 **Motion:** SEN. SHOCKLEY moved that his AMENDMENT BE ADOPTED.

02:30:45 **Motion/Vote:** SEN. LASLOVICH CALLED THE QUESTION ON Sen. Shockley's Amendment. Motion carried unanimously by voice vote. SEN. JENT voted aye by proxy.

02:31:13 **Motion/Vote:** SEN. SHOCKLEY moved that SB 346 DO PASS AS AMENDED. Motion carried 11-1 by voice vote with SEN. JUNEAU voting no. SEN. JENT voted aye by proxy.

02:32:17 Break

02:42:10 Resume

EXECUTIVE ACTION ON SB 309

02:44:10 **Motion:** SEN. MCGEE moved that SB 309 DO PASS.

Discussion:

[EXHIBIT \(jus41a11\)](#)

EXHIBIT(jus41a12)

02:44:32 **Motion:** SEN. MCGEE moved that SB030903.AVL BE ADOPTED.

Discussion:

02:45:01 Sen. Balyeat

02:47:08 **Motion/Vote:** Motion carried unanimously by voice vote. SEN. JENT, SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy.

02:47:39 **Motion:** SEN. MCGEE moved that SB 309 DO PASS AS AMENDED.

Discussion:

02:47:51 **Motion:** SEN. LASLOVICH moved that SB30901.AGP BE ADOPTED.

Discussion:

02:51:20 Sen. McGee

02:53:36 Sen. Shockley

02:53:47 Sen. Laslovich

02:54:18 Sen. O'Neil

02:54:35 Sen. Balyeat

02:57:25 Sen. Laslovich

02:58:25 Sen. Shockley

02:58:39 Sen. O'Neil

03:00:08 Sen. Wanzenried

03:00:14 Sen. Laslovich

03:01:22 Valencia Lane, LSD

03:01:34 Sen. McGee

03:02:48 Valencia Lane

03:03:15 **Substitute Motion:** SEN. LASLOVICH made a substitute motion to change his amendment.

Discussion:

03:03:40 Sen. Balyeat

03:03:55 Sen. McGee

03:05:07 **Motion/Vote:** Motion carried 7-5 by roll call vote.

03:06:09 **Motion:** SEN. SHOCKLEY moved that SB 309 BE ADOPTED AS AMENDED.

Discussion:

03:06:25 Sen. Perry

03:06:47 **Motion/Vote:** Motion that SB 309 DO PASS AS AMENDED carried unanimously by voice vote. SEN. JENT voted aye by proxy.

EXECUTIVE ACTION ON SB 512

03:07:49 **Motion:** SEN. SHOCKLEY moved that SB 512 DO PASS.

Discussion:

03:08:01 **Motion:** SEN. SHOCKLEY moved that AMENDMENT BE ADOPTED.

03:08:19 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON AMENDMENT. Motion carried unanimously by voice vote. SEN. JENT voted aye by proxy.

03:08:36 **Motion:** SEN. SHOCKLEY moved that SB 512 DO PASS AS AMENDED.

Discussion:

03:10:21 Sen. Shockley

03:13:50 Sen. Wanzenried

03:14:37 Sen. Shockley

03:17:29 Motion/Vote: SEN. MOSS CALLED THE QUESTION ON SB 512. Motion failed 5-7 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.

03:17:41 Motion/Vote: SEN. LASLOVICH moved that SB 512 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 454

03:18:19 Motion: SEN. JUNEAU moved that SB 454 DO PASS.

Discussion:

[EXHIBIT\(jus41a13\)](#)

[EXHIBIT\(jus41a14\)](#)

[EXHIBIT\(jus41a15\)](#)

[EXHIBIT\(jus41a16\)](#)

03:19:51 Motion: SEN. JUNEAU moved that SB045402.APM BE ADOPTED.

Discussion:

03:23:47 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON AMENDMENT. Motion carried 9-3 by voice vote with SEN. CURTISS, SEN. MCGEE, and SEN. PERRY voting no. SEN. JENT voted aye by proxy.

03:24:49 Motion: SEN. JUNEAU moved that SB 454 DO PASS AS AMENDED.

Discussion:

03:24:53 Sen. O'Neil

03:27:25 Sen. Juneau

03:27:41 Sen. McGee

03:34:50 Sen. Wanzenried

03:37:48 Sen. Williams

03:39:54 Sen. O'Neil

03:41:40 Valencia Lane, LSD

03:41:46 Sen. Pease

03:45:03 Sen. Moss

03:46:24 Sen. Laslovich

03:50:10 Sen. Shockley

03:50:35 Sen. Juneau

03:53:44 Motion/Vote: Motion failed 5*-6 by voice vote with SEN. JUNEAU, SEN. LASLOVICH, SEN. MOSS, SEN. WANZENRIED, and SEN. WILLIAMS voting aye. *Sen. Jent submitted a proxy after the Executive Action. His intention was to vote aye on SB 454.

03:55:57 Motion/Vote: SEN. LASLOVICH moved that SB 454 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 389

03:57:26 Motion: SEN. SHOCKLEY moved that SB 389 DO PASS.

Discussion:

03:57:41 Sen. Shockley

03:58:57 Sen. Wanzenried

03:59:10 Sen. Shockley

04:01:27 Sen. Wanzenried

04:02:11 Sen. O'Neil

04:02:56 Valencia Lane LSD

04:03:09 Sen. Laslovich

04:03:13 Sen. Juneau

04:03:21 Sen. Shockley

04:03:25 Motion/Vote: Motion failed 4-8 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, and SEN. SHOCKLEY voting aye.

04:04:11 Motion/Vote: SEN. LASLOVICH moved that SB 389 BE
TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 547

04:06:21 Motion: SEN. PERRY moved that SB 547 DO PASS.

Discussion:

04:06:43 Sen. Laslovich

04:06:49 Sen. O'Neil

04:06:50 Motion/Vote: Motion carried unanimously by voice vote.
SEN. JENT, SEN. WILLIAMS and SEN. CURTISS voted aye by
proxy.

EXECUTIVE ACTION ON SB 18

04:07:48 Sen. Laslovich

04:07:55 Motion/Vote: SEN. MCGEE moved that SB 18 BE TABLED.
Motion carried unanimously by voice vote. SEN. WILLIAMS
and SEN. JENT voted aye by proxy.

EXECUTIVE ACTION ON SB 482

04:08:46 Sen. Shockley

04:08:51 Motion/Vote: SEN. O'NEIL moved that SB 482 BE TABLED.
Motion carried 9-3 by voice vote with SEN. CURTISS,
SEN. MCGEE, and SEN. WANZENRIED voting no. SEN. JENT
and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 277

04:10:27 Sen. Laslovich

04:10:46 Motion/Vote: SEN. MCGEE moved that SB 277 BE TABLED.
Motion carried 10-2 by voice vote with SEN. LASLOVICH
and SEN. WANZENRIED voting no. SEN. WILLIAMS, SEN. JENT
and SEN. CURTISS vote aye by proxy.

EXECUTIVE ACTION ON SB 545

04:11:49 **Motion:** SEN. MCGEE moved that SB 545 DO PASS.

Discussion:

04:12:00 Sen. McGee

04:12:26 Sen. Shockley

04:13:31 Sen. O'Neil

04:14:24 Sen. Pease

04:16:08 Sen. Laslovich

04:17:30 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON SB 545. Motion carried 7-5 by roll call vote with SEN. JENT, SEN. O'NEIL, SEN. PERRY, SEN. SHOCKLEY, and SEN. WANZENRIED voting no.

EXECUTIVE ACTION ON SB 546

04:22:13 **Motion:** SEN. MCGEE moved that SB 546 DO PASS.

Discussion:

04:22:36 **Motion:** SEN. MCGEE moved that SB054601.AGP BE ADOPTED.

Discussion:

04:22:52 Sen. John Esp

04:23:46 Sen. O'Neil

04:24:32 Valencia Lane, LSD

04:24:40 Sen. Williams

04:24:44 **Motion/Vote:** SEN. MCGEE moved that SUBSTITUTE AMENDMENT BE ADOPTED. Motion carried unanimously by voice vote. SEN. JENT and SEN. CURTISS voted aye by proxy.

04:25:00 **Motion:** SEN. MCGEE moved that SB 546 DO PASS AS AMENDED.

EXHIBIT(jus41a17)

Discussion:

04:25:37 Sen. Williams

04:27:39 Sen. Perry

04:28:40 Sen. McGee

04:31:45 Sen. Wanzenried

04:32:31 Sen. O'Neil

04:32:52 **Motion/Vote:** Motion failed 5-7 by roll call vote with
SEN. CURTISS, SEN. JENT, SEN. MCGEE, SEN. O'NEIL, and
SEN. PERRY voting aye.

Motion/Vote: SEN. LASLOVICH moved that SB 546 BE
TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 548

04:34:36 **Motion:** SEN. PERRY moved that SB 548 DO PASS.

Discussion:

EXHIBIT(jus41a18)

04:35:12 **Motion:** SEN. PERRY moved that SB054801.AGP BE ADOPTED.

Discussion:

04:36:53 Sen. Laslovich

04:36:57 **Motion/Vote:** SEN. SHOCKLEY CALLED THE QUESTION ON
SB054801.AGP. Motion carried unanimously by voice vote.
SEN. JENT, SEN. WILLIAMS and SEN. CURTISS voted aye by
proxy.

04:37:28 **Motion:** SEN. PERRY moved that SB 548 DO PASS AS
AMENDED.

Discussion:

04:39:05 Sen. O'Neil

04:38:10 Sen. Wanzenried

04:39:49 **Motion/Vote: Motion failed 5-7 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.**

Motion/Vote: SEN. LASLOVICH moved that SB 548 BE TABLED AND THE VOTE REVERSED. Motion carried.

04:41:15 Sen. McGee

04:41:52 Sen. Moss

04:42:07 Sen. Laslovich

04:42:33 Sen. O'Neil

ADJOURNMENT

Adjournment: 12:15 P.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus41aad.pdf](#))