

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on March 30, 2007 at 7:10 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
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. Aubyn Curtiss (R)
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: None.
Executive Action: HB 435, HB 559, HB 464, HB 136, HB 215, HB 468, HB 340, HB 420, HB 247, HB 726, HB 256, HB 305, HB 466, HB 491, HB 723,

EXECUTIVE ACTION ON HB 435

00:01:26 Sen. Laslovich

00:01:46 **Motion:** SEN. MOSS moved that HB 435 BE CONCURRED IN AS AMENDED.

Discussion:

00:02:17 Sen. O'Neil

00:02:20 **Vote:** Motion carried 11-1 by voice vote with SEN. O'NEIL voting no. SEN. WILLIAMS, SEN. WANZENRIED, and SEN. CURTISS voted aye by proxy. SEN LASLOVICH will carry HB 435.

EXECUTIVE ACTION ON HB 559

00:08:16 **Motion:** SEN. MOSS moved that HB 559 BE CONCURRED IN.

Discussion:

00:08:33 Sen. Laslovich

00:08:47 Sen. Perry

00:08:51 Sen. Laslovich

00:09:45 Sen. McGee

00:09:49 Sen. Laslovich

00:09:56 **Motion/Vote:** SEN. JENT CALLED THE QUESTION ON HB 559. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, and SEN. CURTISS voted aye by proxy. SEN. VERDELL JACKSON will carry HB 559.

EXECUTIVE ACTION ON HB 464

00:11:40 **Motion:** SEN. MCGEE moved that HB 464 BE CONCURRED IN.

Discussion:

00:12:08 **Motion:** SEN. MCGEE moved that "Detriment" amendment prepared by Jacqueline Lenmark BE ADOPTED.

Discussion:

[EXHIBIT \(jus68b01\)](#)

[EXHIBIT \(jus68b02\)](#)

00:14:34 Sen. Laslovich

00:14:49 Sen. McGee

00:14:52 Sen. Perry

00:14:57 Sen. Laslovich

00:15:06 Jacqueline Lenmark, American Insurance Association

Discussion:

00:17:47 Sen. Jent

00:19:13 Sen. Shockley

00:20:46 Sen. McGee

00:23:04 Sen. Shockley

00:23:38 Sen. Jent

00:25:15 **Motion/Vote:** SEN. JUNEAU CALLED THE QUESTION ON "DETRIMENT" AMENDMENT. Motion failed 5-7 by roll call vote with SEN. MOSS, SEN. WILLIAMS, SEN. PEASE, SEN. PERRY, and SEN. LASLOVICH voting aye.

00:26:27 **Motion:** SEN. JENT moved that HB046401.AVL BE ADOPTED.

Discussion:

00:27:34 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON HB046401.AVL. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. CURTISS, AND SEN. WANZENRIED voted aye by proxy.

00:28:13 **Motion:** SEN. SHOCKLEY moved that HB 464 BE CONCURRED IN AS AMENDED.

Discussion:

00:29:27 **Motion:** SEN. O'NEIL moved that "Attorney Fees"
AMENDMENT BE ADOPTED.

Discussion:

EXHIBIT (jus68b03)

00:30:51 Sen. Jent

00:32:18 Sen. O'Neil

00:32:40 Sen. Perry

00:33:47 **Vote:** Motion failed 5-7 by roll call vote with SEN.
CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN.
SHOCKLEY voting aye.

00:34:04 Sen. O'Neil

00:35:06 **Vote:** Motion that HB 464 BE CONCURRED IN AS AMENDED
failed 6-6 by roll call vote with SEN. CURTISS, SEN.
MCGEE, SEN. O'NEIL, SEN. PEASE, SEN. PERRY, and SEN.
SHOCKLEY voting no.

00:35:47 Sen. Laslovich. Bill will be held until Monday before
final decision is recorded.

EXECUTIVE ACTION ON HB 136

00:36:52 **Motion:** SEN. JENT moved that HB 136 BE CONCURRED IN.

Discussion:

00:38:17 Sen. Shockley

00:38:20 Sen. Laslovich

00:38:45 **Motion:** SEN. SHOCKLEY moved that AMENDMENT TO LOWER
AMOUNT BE ADOPTED.

Discussion:

00:39:00 Sen. McGee

00:39:47 Sen. Shockley

00:40:11 Sen. McGee

00:40:22 Sen. O'Neil

00:40:43 Sen. Perry

00:41:39 Sen. Shockley

EXHIBIT (jus68b04)

00:42:01 **Motion/Vote:** Motion carried 9-3 by voice vote with SEN. MCGEE, SEN. JENT, and SEN. CURTISS voting no. SEN. WILLIAMS, and SEN. WANZENRIED voted aye by proxy.

00:43:07 **Motion:** SEN. SHOCKLEY moved that HB 136 BE CONCURRED IN AS AMENDED.

Discussion:

00:43:20 Sen. Moss

00:43:50 Sen. McGee

00:44:09 Sen. Shockley

00:45:46 Roger Hagen, Officer and Enlisted Associations of the National Guard

00:47:04 Sen. O'Neil

00:47:16 Sen. Shockley

00:47:35 Sen. Laslovich

00:47:59 Sen. Juneau to Sen. Moss

00:48:38 Sen. O'Neil

00:49:25 Sen. Shockley

00:49:44 Roger Hagen

00:50:42 Sen. Perry

- 00:51:10 **Motion/Vote:** SEN. MCGEE moved AMENDMENT to raise dollar amount be adopted. Motion failed 6-6 by roll call vote with SEN. JUNEAU, SEN. LASLOVICH, SEN. MOSS, SEN. PEASE, SEN. WANZENRIED, and SEN. WILLIAMS voting no.
- 00:52:19 **Motion/Vote:** SEN. PERRY CALLED THE QUESTION ON HB 136. Motion carried 10-2 by voice vote with SEN. MOSS and SEN. WILLIAMS voting no. SEN. WILLIAMS voted no by proxy. SEN CURTISS, and SEN. WANZENRIED voted aye by proxy. SEN. MCGEE WILL CARRY HB 136.

EXECUTIVE ACTION ON HB 215

EXHIBIT (jus68b05)

- 00:53:38 **Motion:** SEN. MCGEE moved that HB 215 BE CONCURRED IN.

Discussion:

00:54:04 Sen. McGee

- 00:54:37 **Motion:** SEN. MCGEE moved that HB021501.AVL BE ADOPTED.

Discussion:

00:54:39 Sen. McGee

00:56:05 Sen. O'Neil

00:56:20 Sen. McGee

- 00:56:35 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON HB021501.AVL. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. CURTISS, and SEN. WANZENRIED voted aye by proxy.

- 00:56:59 **Motion:** SEN. MCGEE moved that HB 215 BE CONCURRED IN AS AMENDED.

Discussion:

00:59:51 Sen. Perry

00:00:19 Motion/Vote: SEN. JUNEAU moved that HB 215 BE TABLED. 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 HB 468

01:02:45 Motion: SEN. MOSS moved that HB 468 BE CONCURRED IN.

Discussion:

EXHIBIT (jus68b06)

01:03:54 Sen. Laslovich

01:04:08 Motion: SEN. LASLOVICH moved that HB046801.AVL BE ADOPTED.

Discussion:

01:04:44 Pat Melby, Montana Medical Association

01:05:15 Vote: Motion that AMENDMENT BE ADOPTED carried unanimously by voice vote. SEN. WILLIAMS, SEN. CURTISS, and SEN. WANZENRIED voted aye by proxy.

01:07:00 Motion: SEN. LASLOVICH moved that HB 468 BE CONCURRED IN AS AMENDED.

Discussion:

01:07:17 Sen. Jent

01:10:36 Pat Melby

01:13:22 Sen. Shockley

01:14:03 Sen. Jent

01:14:42 Vote: Motion that HB 468 BE CONCURRED IN AS AMENDED carried 11-1 by voice vote with SEN. O'NEIL voting no. SEN. WILLIAMS, SEN. CURTISS, and SEN. WANZENRIED voted aye by proxy. SEN LIND is carrying HB 468.

EXECUTIVE ACTION ON HB 340

[EXHIBIT \(jus68b07\)](#)

[EXHIBIT \(jus68b08\)](#)

01:16:12 **Motion:** SEN. MCGEE moved that HB 340 BE CONCURRED IN.

Discussion:

01:16:27 Sen. Laslovich

01:17:18 Valencia Lane, LSD

01:18:28 **Motion:** SEN. MCGEE moved that CONCEPTUAL AMENDMENT
BE ADOPTED.

Discussion:

01:19:40 Sen. Joe Balyeat

01:21:13 Sen. Shockley

01:21:43 Sen. Jent

01:23:54 Sen. McGee

01:24:04 Valencia Lane, LSD

01:27:45 Sen. Juneau

01:28:19 Sen. McGee

01:29:21 Sen. Jent

01:32:43 Sen. McGee

01:32:49 Valencia Lane

01:35:54 Sen. McGee

01:36:00 Sen. Shockley

01:36:28 Sen. O'Neil

01:37:15 Sen. McGee

01:37:35 Sen. Shockley

01:38:09 Sen. O'Neil

01:38:36 Sen. Balyeat

01:39:19 Sen. McGee

01:40:07 Valencia Lane

01:40:13 Sen. Balyeat

01:40:53 Sen. Laslovich

01:41:25 **Motion/Vote: SEN. MOSS CALLED THE QUESTION ON CONCEPTUAL AMENDMENT. Motion carried 10-2 by roll call vote with SEN. JENT and SEN. PEASE voting no.**

01:42:06 **Motion: SEN. MCGEE moved that HB 340 BE CONCURRED IN AS AMENDED.**

Discussion:

01:42:12 **Motion: SEN. JENT moved that HB034001.AVL BE ADOPTED.**

Discussion:

01:43:38 Sen. O'Neil

01:44:29 Sen. Jent

01:45:09 Sen. McGee

01:46:15 Sen. Jent

01:49:53 Sen. McGee

01:50:44 **Motion/Vote: SEN. JUNEAU CALLED THE QUESTION ON HB034001.AVL. Motion failed 2-10 by roll call vote with SEN. JENT and SEN. LASLOVICH voting aye.**

01:51:56 Sen. Laslovich

01:53:38 Sen. McGee

01:54:45 Sen. Jent

01:55:19 **Motion/Vote: SEN. JENT moved that HB 340 BE TABLED. 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 HB 420

01:56:37 Sen. Laslovich

01:56:57 **Motion:** SEN. MOSS moved that HB 420 BE CONCURRED IN.

Discussion:

01:57:13 Sen. McGee

01:57:35 Sen. Shockley

01:57:55 Sen. Jent

01:58:04 **Motion/Vote:** SEN. JENT moved that HB 420 BE TABLED. Motion carried by roll call vote 7-5. SEN. MCGEE, SEN. SHOCKLEY, SEN. CURTISS, SEN. O'NEIL, and SEN. PERRY voted no.

EXECUTIVE ACTION ON HB 247

01:59:27 **Motion:** SEN. SHOCKLEY moved that HB 247 BE CONCURRED IN.

Discussion:

[EXHIBIT \(jus68b09\)](#)

02:00:46 **Motion:** SEN. SHOCKLEY moved that HB024701.AVL BE ADOPTED.

Discussion:

02:02:37 Sen. Juneau

02:03:49 Sen. O'Neil

02:03:57 Sen. Shockley

02:04:16 **Vote:** Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. CURTISS, SEN. PERRY, and SEN. WANZENRIED voted aye by proxy.

02:04:48 **Motion:** SEN. SHOCKLEY moved that HB 247 BE CONCURRED IN AS AMENDED.

Discussion:

02:05:42 Sen. Pease

02:06:33 Sen. Shockley

02:09:17 **Vote:** Motion failed 5-7 by roll call vote. SEN. MCGEE, SEN. SHOCKLEY, SEN. CURTISS, SEN. O'NEIL, and SEN. PERRY voting no.

02:10:57 **Motion:** SEN. LASLOVICH moved that HB 247 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON HB 726

02:11:17 **Motion:** SEN. MOSS moved that HB 726 BE CONCURRED IN.

Discussion:

EXHIBIT (jus68b10)

02:12:38 Sen. Laslovich

02:14:23 **Motion/Vote:** SEN. MOSS moved that HB 726 BE TABLED. Motion carried 9-3 by voice vote with SEN. JENT, SEN. JUNEAU, and SEN. PERRY voting no. SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy.

EXECUTIVE ACTION ON HB 256

02:16:04 **Motion:** SEN. MOSS moved that HB 256 BE CONCURRED IN.

Discussion:

02:16:43 Sen. Laslovich

02:16:53 Sen. McGee

02:18:15 **Motion/Vote:** SEN. MCGEE moved that HB 256 BE TABLED. Motion carried 10-2 by voice vote with SEN. O'NEIL and SEN. PERRY voting no.

EXECUTIVE ACTION ON HB 305

02:19:12 **Motion:** SEN. MOSS moved that HB 305 BE CONCURRED IN.

Discussion:

02:19:50 Sen. Laslovich

02:20:21 Sen. McGee

02:21:16 Sen. Shockley

02:22:42 Valencia Lane, LSD

02:23:29 Sen. Perry

02:23:47 Sen. Laslovich

02:24:11 **Motion:** SEN. SHOCKLEY moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

02:27:27 Sen. Jent

02:27:42 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON CONCEPTUAL AMENDMENT. Motion carried 10-2 by roll call vote with SEN. JENT and SEN. LASLOVICH voting no.

02:28:54 **Motion:** SEN. SHOCKLEY moved that HB 305 BE CONCURRED IN AS AMENDED.

Discussion:

02:29:26 Sen. Jent

02:31:59 **Motion/Vote:** SEN. JENT moved that HB 305 BE TABLED. Motion carried 8-4 by roll call vote with SEN. CURTISS, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting no.

EXECUTIVE ACTION ON HB 466

02:34:55 **Motion:** SEN. MOSS moved that HB 466 BE CONCURRED IN.

Discussion:

02:35:21 Sen. Jent

02:35:59 Sen. Shockley

02:36:10 **Motion/Vote:** SEN. MOSS moved that HB 466 BE TABLED.
Motion carried 9-3 by voice vote with SEN. CURTISS,
SEN. MCGEE, and SEN. O'NEIL voting no.

EXECUTIVE ACTION ON HB 491

02:37:31 **Motion:** SEN. MOSS moved that HB 491 BE CONCURRED IN.

Discussion:

02:37:42 Sen. McGee

02:38:11 Valencia Lane, LSD

02:39:07 **Motion:** SEN. MCGEE moved that CONCEPTUAL AMENDMENT BE
ADOPTED.

Discussion:

02:40:52 Sen. O'Neil

02:42:20 Sen. Shockley

02:45:14 Sen. Jent

02:47:32 Sen. Shockley

02:49:39 Sen. McGee

02:50:38 Sen. Shockley

02:50:45 **Motion/Vote:** SEN. PERRY CALLED THE QUESTION ON
CONCEPTUAL AMENDMENT. Motion failed 3-9 by voice vote.
SEN. CURTISS, SEN. PERRY, and SEN. MCGEE voting aye.
SEN. WANZENRIED voted no by proxy.

02:51:42 **Motion:** SEN. O'NEIL WITHDREW MOTION TO AMEND and then moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

02:52:07 **Motion/Vote:** SEN. O'NEIL moved that HB 491 BE TABLED. Motion carried 9-3 by voice vote with SEN. CURTISS, SEN. MCGEE, and SEN. PERRY voting no.

EXECUTIVE ACTION ON HB 723

02:53:23 **Motion:** SEN. MCGEE moved that HB 723 BE CONCURRED IN.

Discussion:

02:53:40 Sen. Laslovich

02:54:47 **Motion/Vote:** SEN. MOSS moved that HB 723 BE TABLED. Motion carried 8-4 with SEN. CURTISS, SEN. MCGEE, SEN. PERRY, and SEN. SHOCKLEY voting no. SEN. WANZENRIED voted aye by proxy.

ADJOURNMENT

Adjournment: 10:30 P.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus68bad.pdf](#))