

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: CHAIRMAN GARY L. PERRY, on January 16, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: Sen. Jesse Laslovich (D)

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

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 182, SB 191, 1/12/2009

Executive Action: SB 96-Do Pass As Amended, SB 160-Do
Pass, SB 169-Do Pass, SB 180-Do
Pass

HEARING ON SB 182

Opening Statement by Sponsor:

00:28:32 SEN. JOHN ESP (R), SD 31, opened the hearing on SB 182,
Revise grandparent-grandchild contact law.
[EXHIBIT\(jus10a01\)](#)

Proponents' Testimony:

00:31:29 Shirley Brown, Division Administrator-Child and Family
Services, Department of Public Health, Human
and Services (DPHHS)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:33:12 Sen. Juneau
00:33:47 Ms. Brown

Closing by Sponsor:

00:35:49 Sen. Esp
00:37:22 break

HEARING ON SB 191

Opening Statement by Sponsor:

00:39:17 SEN. LARRY JENT (D), SD 32, opened the hearing on SB
191, Provide funding for court security.

Proponents' Testimony:

00:43:51 Rep. J.P. Pomnichowski(D), HD 63, Gallatin County
00:46:32 Kathy Coles, Crime Victim Advocate, Gallatin County
00:48:37 Glenda Howze, Commission Assistant, Gallatin County
Commissioners

[EXHIBIT\(jus10a02\)](#)

[EXHIBIT\(jus10a03\)](#)

[EXHIBIT\(jus10a04\)](#)

00:50:10 Jim Anderson, Deputy, Gallatin County Sheriffs
Department, Bozeman, Montana

[EXHIBIT\(jus10a05\)](#)

[EXHIBIT\(jus10a06\)](#)

[EXHIBIT\(jus10a07\)](#)

00:52:46 Harold Blattie, Montana Association of Counties

[EXHIBIT\(jus10a08\)](#)

00:55:21 Dave Phillips, Sergeant, Cascade Sheriffs Department
Great Falls, Montana

00:57:26 Jim Smith, Montana Sheriffs and Peace Officers
Association, Montana County Attorneys Association

00:57:52 Al Smith, Montana Trial Lawyers Association

00:58:19 Pam Bucy, Montana Association of Chiefs of Police,
Montana Police Protective Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:59:33 Sen. McGee
00:59:52 Sen. Jent
01:00:17 Mr. Blattie
01:00:38 Sen. Esp
01:01:01 Mr. Blattie
01:01:42 Sen. Esp
01:02:46 Sen. Juneau
01:03:07 Sen. Jent
01:05:07 Sen. McGee
01:05:45 Sen. Jent
01:07:22 Sen. Murphy
01:08:05 Dep. Anderson

Closing by Sponsor:

01:10:46 Sen. Jent

01:11:55 Break

01:26:59 Sen. McGee

(Sen. Larsen absent from the room.)

EXECUTIVE ACTION ON SB 169

01:27:58 **Motion:** SEN. McGEE moved that **SB 169 DO PASS.**

Discussion:

01:29:11 Sen. McGee

01:29:43 Sen. Esp

01:30:07 Sen. Murphy

01:30:57 Sen. Perry

01:31:24 Sen. Hinkle

01:31:46 Sen. Esp

01:32:36 Valencia Lane, Legislative Services Division

01:34:44 Sen. Perry

01:35:57 Ms. Lane

01:37:18 Sen. McGee

01:38:49 Sen. Juneau

01:39:15 Ms. Lane

01:39:47 **Vote:** Motion that **SB 169 DO PASS** carried unanimously by voice vote. Sen. Larsen and Sen. Laslovich voted by proxy.

EXECUTIVE ACTION ON SB 96

01:41:28 Sen. Jent

EXECUTIVE ACTION ON SB 121

01:41:49 Sen. Jent

EXECUTIVE ACTION ON SB 160

01:42:32 **Motion:** SEN. JENT moved that **SB 160 DO PASS.**

Discussion:

01:42:41 Sen. McGee
01:43:03 Sen. Jent
01:44:10 Sen. Perry
01:44:42 Sen. Jent
01:48:03 Sen. Perry
01:48:14 Sen. Juneau
01:49:06 Sen. Jent
01:49:19 Sen. Juneau

01:49:47 **Vote:** Motion that **SB 160 DO PASS** carried unanimously by voice vote. Sen. Larsen and Sen. Laslovich voted by proxy.

EXECUTIVE ACTION ON SB 96

01:50:33 Sen. Jent
01:52:09 Sen. Perry

01:52:22 **Motion:** SEN. JENT moved that **SB 96 DO PASS.**

Discussion:

01:52:38 **Motion:** SEN. JENT moved that **SB 96 BE AMENDED.**
[**EXHIBIT\(jus10a09\)**](#)

01:54:28 **Vote:** Motion that **SB 96 BE AMENDED** carried unanimously by voice vote. Sen. Larsen and Sen. Laslovich voted by proxy.

01:54:55 **Motion:** SEN. JENT moved that **SB 96 DO PASS AS AMENDED.**

Discussion:

01:56:24 Sen. Moss
01:56:48 Sen. Jent
01:57:55 Sen. McGee
01:58:26 Sen. Esp
01:59:18 Sen. McGee
02:01:00 Sen. Jent
02:01:55 Sen. Esp

(Sen. Hinkle absent from room.)

02:02:39 **Vote:** Motion that **SB 96 DO PASS AS AMENDED** carried unanimously by voice vote. Sen. Larsen, Sen. Laslovich and Sen. Hinkle voted by proxy.

EXECUTIVE ACTION ON SB 171

02:03:42 Sen. Esp
02:04:00 Ms. Lane
02:04:40 Sen. Perry

EXECUTIVE ACTION ON SB 182

02:05:08 **Motion:** SEN. ESP moved that **SB 182 DO PASS.**

Discussion:

02:05:13 Sen. McGee

02:05:32 **Vote:** Motion that **SB 182 DO PASS** carried unanimously by voice vote. Sen. Larsen, Sen. Laslovich and Sen. Hinkle voted by proxy.

ADJOURNMENT

Adjournment: 10:43 A.M.

PAM SCHINDLER, Secretary

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Additional Exhibits:

EXHIBIT ([jus10aad.pdf](#))