

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: CHAIRMAN GARY L. PERRY, on January 19, 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. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

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 158, SB 197, 1/5/2009

Executive Action: SB 171-Do Pass As Amended

HEARING ON SB 197

Opening Statement by Sponsor:

00:02:36 **SEN. JESSE LASLOVICH (D), SD 43**, opened the hearing on **SB 197**, Define court transcripts and provide for adjustments in transcript costs.

Proponents' Testimony:

00:07:30 Pam Bucy, Montana Court Reporters Association

[EXHIBIT\(jus12a01\)](#)

[EXHIBIT\(jus12a02\)](#)

[EXHIBIT\(jus12a03\)](#)

00:10:33 Glenda Travitz, Court Reporter, Ravalli County,
Hamilton, Montana, President-Montana Court
Reporters Association

[EXHIBIT\(jus12a04\)](#)

00:13:26 Stephanie Morrow, Court Reporter, Missoula County,
Missoula, Montana

00:15:27 Sharon Gaughan, Court Reporter, Yellowstone County,
Billings, Montana

[EXHIBIT\(jus12a05\)](#)

00:19:13 Tom Sapp, Court Reporter, Flathead County, Kalispell,
Montana

[EXHIBIT\(jus12a06\)](#)

00:20:55 Dorothy McCarter, District Judge, Helena, Montana
District Judges of Montana Association

00:22:04 Bambi Goodman, Court Reporter, Flathead County,
Whitefish, Montana

00:22:31 Al Smith, Montana Trial Lawyers Association

00:22:54 Kim Johnson, Freelance Court Reporter, Helena, Montana

00:23:20 Cheryl Ramsa, Freelance Court Reporter, Helena, Montana

00:23:55 Laurie Crutcher, Freelance Court Reporter, Helena,
Montana

00:24:30 Vicki Pratt, Court Reporter, Helena, Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:25:20 Sen. Juneau
00:25:53 Sen. Laslovich
00:26:07 Ms. Travitz
00:29:15 Sen. Esp
00:29:40 Ms. Travitz
00:31:11 Sen. McGee
00:31:34 Ms. Travitz
00:34:37 Sen. Shockley
00:34:49 Ms. Travitz
00:35:48 Sen. McGee
00:36:12 Sen. Laslovich
00:38:05 Ms. Bucy
00:41:00 Sen. Perry
00:41:05 Ms. Bucy

EXHIBIT(jus12a07)

Closing by Sponsor:

00:42:46 Sen. Laslovich
00:45:05 break

HEARING ON SB 158

Opening Statement by Sponsor:

00:55:21 **SEN. GREGORY BARKUS (R), SD 4**, opened the hearing on **SB 158**, Revise number of judges in judicial districts.

EXHIBIT(jus12a08)

Proponents' Testimony:

01:01:34 Sen. Dan McGee, SD 29
01:05:14 Mike McGrath, Chief Justice, Montana Supreme Court, State of Montana
01:08:38 Kitty Curtis, District Court Judge, Flathead County, Kalispell, Montana
01:18:39 Kenneth Neill, District Court Judge, Cascade County, Great Falls, Montana, President, Montana Judges Association
01:21:59 Gregg Todd, District Court Judge, Yellowstone County, Billings, Montana, District Court Council
01:29:56 Dorothy McCarter, District Court Judge, Lewis and Clark County, Helena, Montana

01:31:50 Julie Macek, District Court Judge, Yellowstone County,
Billings, Montana
01:36:19 Joe Brenneman, Flathead County Commissioner, Kalispell,
Montana
01:38:24 John Brown, District Court Judge, Cascade County, Great
Falls, Montana
01:40:29 Gordon Morris, Lewis and Clark County Commissioners,
Helena, Montana
01:41:15 Ed Bartlett, Yellowstone County

EXHIBIT(jus12a09)

01:42:05 Sen. Larry Jent, SD 32
01:44:24 Chris Tweeten, President, Montana State Bar Association
01:45:29 Paul Stahl, Chief Deputy County Attorney, Lewis and
Clark County, Helena, Montana
01:48:03 Al Smith, Montana Trial Lawyers Association (MTLA)
01:49:19 Cory Swanson, Kalispell Chamber of Commerce, Kalispell,
Montana
01:49:54 Randy Snyder, Attorney, Northwest Bar Association,
Court Appointed Special Advocate (CASA) volunteer,
Chairman, Northwest Bar Association "Access to
Judgment" Law Committee

EXHIBIT(jus12a10)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:52:55 Sen. Shockley
01:54:18 Judge McCarter
01:56:12 Judge Curtis

01:59:52 Sen. Perry

Opponents' Testimony, continued:

EXHIBIT(jus12a11) Letter from David Ewer, Budget Director, Office
of the Governor, State of Montana

Questions from Committee Members and Responses, continued:

02:00:35 Sen. Shockley
02:01:18 Judge Curtis
02:03:37 Sen. Moss
02:04:23 Mr. Neill
02:05:49 Sen. Larsen
02:08:13 Sen. McGee
02:09:28 Sen. Barkus
02:10:00 Sen. McGee
02:10:54 Randi Hood, Chief Public Defender Office, State of
Montana
02:13:33 Sen. Shockley
02:14:48 Judge Todd

Closing by Sponsor:

02:15:50 Sen. Barkus

Exhibits distributed to committee members in reference to SB 158:

[EXHIBIT\(jus12a12\)](#)

[EXHIBIT\(jus12a13\)](#)

02:17:49 Break
02:25:51 Sen. Perry

(Sen. Murphy absent from the room.)

EXECUTIVE ACTION ON SB 171

02:28:23 **Motion:** SEN. ESP moved that **SB 171 DO PASS.**

Discussion:

02:28:44 **Motion:** SEN. JENT moved that **SB 171 BE AMENDED.**
[EXHIBIT\(jus12a14\)](#)

Discussion:

02:30:31 Sen. Shockley
02:30:42 Sen. Juneau
02:31:14 Sen. Jent

02:31:55 **Vote:** Motion that **SB 171 BE AMENDED** carried unanimously
by voice vote. Sen Murphy voted by proxy.

02:32:14 **Motion:** SEN. McGEE moved that **SB 171 DO PASS AS AMENDED.**

Discussion:

02:32:55 Sen. Jent
02:33:26 Sen. McGee
02:33:43 Sen. Jent

02:33:50 **Motion:** SEN. McGEE moved that **SB 171 BE AMENDED.**

Discussion:

02:34:15 Valencia Lane, Legislative Services Division
02:34:46 Sen. McGee
02:36:04 Ms. Lane
02:36:39 Sen. Shockley
02:36:46 Sen. Jent

02:37:09 **Vote:** Motion that **SB 171 BE AMENDED** carried unanimously by voice vote. Sen. Murphy voted by proxy.

02:37:22 **Motion:** SEN. McGEE moved that **SB 171 DO PASS AS AMENDED.**

Discussion:

02:37:28 Sen Shockley
02:39:10 Sen. McGee

02:39:35 **Motion:** SEN. McGEE moved that **SB 171 BE AMENDED.**

Discussion:

02:39:58 Sen. Shockley

02:40:10 **Vote:** Motion that **SB 171 BE AMENDED** carried 11-1 by voice vote with SEN. SHOCKLEY voting no. Sen Murphy voted by proxy.

02:40:24 **Motion:** SEN. McGEE moved that **SB 171 DO PASS AS AMENDED.**

(Sen. Juneau absent from room)

Discussion:

02:40:39 Sen. McGee
02:41:13 Sen. Jent
02:41:48 Sen. McGee
02:42:00 Sen. Barkus
02:43:36 Sen. McGee
02:44:50 Sen. Laslovich
02:46:54 Sen. Hinkle
02:47:38 Sen. Shockley
02:48:51 Sen. Jent
02:49:11 Sen. McGee
02:50:11 Ms. Lane
02:51:49 Sen. Curtiss
02:53:00 Sen. Esp
02:53:21 Ms. Lane
02:55:13 Sen. Larsen
02:55:38 Ms. Lane

(Sen. Murphy enters room)

02:57:01 Sen. Jent
02:57:39 Sen. Shockley
02:58:23 Sen. McGee
02:59:01 Ms. Lane
02:59:49 Sen. McGee
02:59:54 Jim Smith, Montana County Attorneys Association (MCAA)
03:01:42 Sen. Perry

03:02:21 **Vote** Motion that **SB 171 DO PASS AS AMENDED** carried
10-2 by roll call vote with SEN. JUNEAU and SEN.
SHOCKLEY voting no. Sen. Juneau voted by proxy.

ADJOURNMENT

Adjournment: 11:54 A.M.

PAM SCHINDLER, Secretary

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Additional Exhibits:

EXHIBIT ([jus12aad.pdf](#))