

MINUTES

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on January 28, 2009 at 10:00 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: No bills heard in committee.

Executive Action: SB 92-Do Pass, SB 256-Do Pass, SB 189-Do Pass As Amended, SB 223-Tabled, SB 249-Do Pass As Amended, Suspended Action. Committee Bill-Increase Monetary Amount for Felony Theft.

EXECUTIVE ACTION ON SB 92

00:04:16 Sen. Perry
00:05:40 Sen. Jent
00:06:48 Sen. McGee
00:08:16 Sen. Jent
00:09:42 Sen. McGee
00:10:41 Sen. Shockley
00:11:01 Sen. Esp
00:11:57 Valencia Lane, Legislative Services Division
00:12:29 Sen. Perry

00:12:41 **Motion:** Sen. Jent moved that **SB 92 DO PASS.**

Discussion:

00:12:56 Sen Jent
00:14:26 Sen. Shockley

00:14:33 **Vote:** Motion that **SB 92 DO PASS** carried 10-2 by voice vote with Sen. Juneau and Sen. Moss voting no.

EXECUTIVE ACTION ON SB 223

00:16:10 **Motion:** Sen. Juneau moved that **SB 223 DO PASS.**

00:17:06 **Motion:** Sen. Juneau moved that **SB 223 BE AMENDED.**
EXHIBIT(jus20a01)

00:18:04 **Vote:** Motion that **SB 223 BE AMENDED** carried 7-5 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. McGee, and Sen. Shockley voting no.

00:19:09 **Motion:** Sen. Juneau moved that **SB 223 DO PASS AS AMENDED.**

Discussion:

00:20:23 Sen. Juneau
00:21:09 Sen. Moss

EXHIBIT(jus20a02)

(Sen. Esp absent from room)

00:22:18 **Vote:** Motion that **SB 223 DO PASS AS AMENDED** failed 5-7 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye. Sen. Esp voted by proxy.

(Sen. Esp returned to room.)

00:23:11 **Motion/Vote:** Sen. Shockley moved that **SB 223 BE TABLED AND THE VOTE REVERSED**. Motion carried.

EXECUTIVE ACTION ON SB 249

00:25:07 **Motion:** Sen. Curtiss moved that **SB 249 DO PASS**.

00:25:48 **Motion:** Sen. Laslovich moved that **SB 249 BE AMENDED**. [EXHIBIT\(jus20a03\)](#)

Discussion:

00:31:17 Sen. Shockley
00:31:38 Sen. Curtiss
00:32:17 Sen Esp
00:32:25 Sen. Laslovich
00:33:06 Sen. Shockley

00:33:18 **Motion:** Sen. Esp moved that **SB 249 BE AMENDED BY SEGREGATING SECTION 7 and SECTION 10 FROM AMENDMENT**.

00:33:48 Ms. Lane

00:34:30 **Substitute Motion:** Sen. Esp made a substitute motion that **SB 249 BE AMENDED by SEGREGATING SECTIONS 5, 6, 7, 8, and 10 FROM AMENDMENT**.

00:35:01 Sen. McGee
00:35:45 Ms. Lane

00:36:45 **Vote:** Motion that **SB 249 BE AMENDED by SEGREGATING 5, 6, 7, 8, and 10 FROM AMENDMENT** carried 8-4 by roll call vote with Sen. Curtiss, Sen. Jent, Sen. Juneau, and Sen. Larsen voting no.

00:37:50 Sen. Curtiss
00:38:14 Sen. Shockley

00:38:37 **Motion:** Sen. Laslovich moved that **SB 249 BE AMENDED with REMAINING SECTIONS of AMENDMENT**.

(Sen. Juneau absent from room.)

Discussion:

00:40:29 Sen. Shockley
00:41:16 Sen. McGee
00:43:51 Sen. Laslovich
00:44:48 Sen. McGee
00:45:07 Brenda Nordlund, Acting Administrator, Department of
Motor Vehicles, Department of Justice (DOJ)
00:47:49 Sen. McGee
00:48:05 Ms. Nordlund
00:49:19 Sen. McGee
00:49:31 Ms. Nordlund
00:50:32 Sen. McGee
00:51:05 Ms. Nordlund
00:51:48 Sen. McGee

00:52:02 **Vote:** Motion that **SB 249 BE AMENDED** carried
unanimously by voice vote. Sen. Juneau voted by proxy.

00:52:58 **Motion:** Sen. Curtiss moved that **SB 249 DO PASS AS**
AMENDED.

Discussion:

00:53:08 Sen. Laslovich
00:54:36 Sen. Larsen
00:55:44 Sen. Shockley
00:56:14 Sen. Jent
00:58:56 Sen. Shockley
00:59:29 Sen. Jent
00:59:49 Sen. Shockley
01:01:06 Sen. Esp
01:01:56 Sen. Jent
01:02:30 Sen. Laslovich
01:03:57 Sen. Perry
01:04:19 Ms. Nordlund
01:07:12 Sen. Perry
01:07:32 Sen. McGee

01:07:39 Sen. Curtiss **WITHDREW MOTION SB 249 DO PASS AS AMENDED.**

EXECUTIVE ACTION ON SB 256

01:08:41 **Motion:** Sen. Shockley moved that **SB 256 DO PASS.**

01:12:04 **Vote:** Motion that **SB 256 DO PASS** carried unanimously by voice vote. Sen. Juneau voted by proxy.

EXECUTIVE ACTION ON SB 230

01:13:09 Sen. Shockley

01:13:21 Sen. Perry (no action taken.)

EXECUTIVE ACTION ON SB 189

01:13:47 **Motion:** Sen. Laslovich moved that **SB 189 DO PASS.**

01:15:16 **Motion:** Sen. McGee moved that **SB 189 BE AMENDED.**
EXHIBIT(jus20a04)

01:16:06 **Vote:** Motion that **SB 189 BE AMENDED** carried unanimously by voice vote. Sen. Juneau voted by proxy.

01:16:24 **Motion:** Sen. McGee moved that **SB 189 DO PASS AS AMENDED.**

01:16:35 **Motion:** Sen. Jent moved that **SB 189 BE AMENDED.**
EXHIBIT(jus20a05)

Discussion:

01:17:29 Sen. Joe Balyeat

01:21:23 Sen. Shockley

01:22:47 Sen. McGee

01:23:56 Sen. Laslovich

01:30:58 Sen. Shockley

01:32:06 Sen. Jent

01:33:59 Sen. McGee

01:37:58 Sen. Laslovich

01:38:35 Sen. Esp

01:39:06 Sen. Laslovich

01:39:39 Sen. Moss

01:42:09 **Vote:** Motion that **SB 189 BE AMENDED** failed 5-7 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye. Sen. Juneau voted by proxy.

Discussion:

01:43:03 Ms. Lane
01:43:43 Sen. McGee

01:44:19 **Vote:** Motion that **SB 189 DO PASS AS AMENDED** carried 10-2 by roll call vote with Sen. Juneau and Sen. Moss voting no. Sen. Juneau voted by proxy.

01:45:39 Sen. Perry
01:45:51 Sen. McGee

EXECUTIVE ACTION ON SB 212

01:46:37 Sen. Shockley (no action taken.)

EXECUTIVE ACTION ON COMMITTEE BILL

01:47:35 **Motion:** Sen. Perry moved to **CREATE A COMMITTEE BILL-INCREASE MONETARY AMOUNT FOR FELONY THEFT.**

Discussion:

01:49:51 Sen. Shockley
01:50:11 Sen. Laslovich
01:50:27 Sen. Shockley
01:50:47 Ms. Lane

01:50:59 **Vote:** Motion to **CREATE A COMMITTEE BILL-INCREASE MONETARY FELONY AMOUNT** carried unanimously by voice vote. Sen. Juneau voted by proxy.

Committee Discussion regarding SB 139 heard on 1/14/09, Executive Action 1/15/09:

01:52:03 Sen. Perry
01:53:23 Sen. Shockley
01:54:16 Ali Bovington, Assistant Attorney General, DOJ
01:57:29 Sen. Shockley
01:57:33 Ms. Bovington
01:57:52 Sen. Shockley
01:58:14 Sen. McGee
01:58:43 Sen. Perry
02:00:06 Sen. McGee
02:01:04 Sen. Perry

ADJOURNMENT

Adjournment: 12:04 P.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT ([jus20aad.pdf](#))