

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 10, 2009 at 9:00 A.M., in Room 422 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. 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: Sen. Greg Hinkle (R)

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 338, SB 346, 2/3/2009

Executive Action: SB 236-Do Pass

HEARING ON SB 346

Opening Statement by Sponsor:

00:01:59 Sen. Rick Laible (R), SD 44, opened the hearing on SB 346, Increase penalties for animal abuse.

[EXHIBIT\(jus31a01\)](#)

Proponents' Testimony:

00:11:08 Dave Pauli, Executive Director, Northwest Region,
Humane Society of the United States (HSUS)

00:13:25 Wendy Hergenraeder, volunteer, animal shelter, Billings

Opponents' Testimony:

none

Informational Testimony:

none

Questions from Committee Members and Responses:

00:16:01 Sen. Esp

00:16:26 Sen. Laible

00:20:07 Sen. Shockley

00:21:15 Sen. Laible

00:25:19 Sen. Jent

00:27:48 Sen. Perry

00:28:00 Sen. Laible

00:28:25 Sen. Shockley

Closing by Sponsor:

00:28:59 Sen. Laible

HEARING ON SB 338

Opening Statement by Sponsor:

00:31:05 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 338, Protect information relating to children in family law hearings and records.

Proponents' Testimony:

00:35:34 Corbin Howard, Attorney

00:47:47 Marti Wangen, Executive Director, Montana Psychological Association

Opponents' Testimony:

00:49:07 Mike Meloy, Attorney; former member of Supreme Court Commission on Technology Privacy and Access Committee

Informational Testimony:

00:55:38 Douglas Sullivan, Superintendent of Schools, Sidney

[EXHIBIT\(jus31a02\)](#)

[EXHIBIT\(jus31a03\)](#)

(Mr. Sullivan testified as an Informational witness; Chairman Perry ruled and Mr. Sullivan agreed that he was a Proponent witness.)

01:00:57 Nancy Sweeney, Lewis and Clark County Clerk of District Court; Supreme Court Commission on Technology Privacy and Access Committee; Chairman, Clerks of District Court Legislative Liaison Committee

01:03:22 Shirley Brown, Administrator, Children and Family Services Division, Department of Public Health and Human Services, Helena

[EXHIBIT\(jus31a04\)](#)

01:03:56 Nicole Beyer, self

(Ms. Beyer testified as an Informational witness; Chairman Perry and Ms. Beyer agreed that she was a Proponent witness.)

Informational Testimony continued:

01:07:13 John Barrows, Montana Newspaper Association

(Mr. Barrows testified during the Informational Testimony portion; Chairman Perry and Mr. Barrows stated that he was an Opponent witness.)

01:07:51 Dr. Ray Peck, retired educator

Questions from Committee Members and Responses:

01:08:57 Sen. Shockley
01:09:41 Mr. Howard
01:12:55 Sen. Larsen
01:13:30 Mr. Howard
01:17:15 Sen. Moss
01:17:48 Ms. Sweeney
01:20:16 Sen. Shockley
01:20:45 Ms. Sweeney
01:22:15 Sen. Curtiss
01:22:41 Mr. Sullivan
01:26:57 Sen. Perry
01:27:15 Sen. Esp
01:27:38 Mr. Sullivan
01:27:57 Sen. Esp
01:28:16 Sen. Essmann
01:28:36 Sen. Jent
01:29:09 Sen. Essmann

Closing by Sponsor:

01:30:50 Sen. Essmann

01:35:28 break

01:52:06 Sen. Perry
01:52:45 Sen. Esp (for SB 285 heard 2/5/09)

[EXHIBIT\(jus31a05\)](#)

[EXHIBIT\(jus31a06\)](#)

01:54:23 Sen. Laslovich
01:55:28 Sen. Perry

(Sen. Hinkle entered room.)

EXECUTIVE ACTION ON SB 236

02:01:39 **Motion:** Sen. Moss moved that **SB 236 DO PASS.**

Discussion:

02:01:55 Sen. Jent
02:04:43 Sen. Murphy
02:06:22 Sen. Hinkle
02:08:59 Sen. Curtiss
02:10:55 Sen. Larsen
02:11:49 Sen. McGee
02:15:29 Sen. Laslovich
02:18:56 Sen. Perry
02:23:12 Sen. Hinkle
02:24:56 Sen. Moss

02:26:52 **Vote:** Motion that **SB 236 DO PASS** carried 7-5 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. McGee, and Sen. Murphy voting no.

ADJOURNMENT

Adjournment: 11:28 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus31aad.pdf](#))