

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 20, 2009 at
6:30 P.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. 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. Larry Jent (D)

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: None

Executive Action: SB 380-Tie, SB 321-Failed, 5-7, SB
406-Tie, SJ 27-Tie, SJ 29-Do Pass,
SB 333-Do Pass, SB 379-Do Pass, SB
381-Do Pass, SB 447-Do Pass, SB
464-Do Pass, SB 476-Do Pass, SB
327-Do Pass As Amended,

SB 374-Do Pass As Amended, SB 382-Do
Pass As Amended, SB 442-Do Pass As
Amended, SB 468-Do Pass As Amended, SB
428-Tabled

**Distributed to the Committee Members regarding SB 447, heard
2/20/09:**

[EXHIBIT\(jus40b01\)](#)

**Distributed to the Committee Members regarding SJ 27, heard
2/20/09:**

[EXHIBIT\(jus40b02\)](#)

EXECUTIVE ACTION ON SB 327

00:02:04 **Motion:** Sen. McGee moved that **SB 327 DO PASS.**

00:02:15 **Motion:** Sen. McGee moved that **SB 327 BE AMENDED.**
[EXHIBIT\(jus40b03\)](#)

Discussion:

00:04:09 Sen. Larsen
00:04:31 Sen. McGee
00:04:41 Sen. Shockley
00:04:59 Sen. Laslovich
00:06:00 Sen. Juneau
00:06:17 Sen. Shockley

00:06:58 **Vote:** Motion that **SB 327 BE AMENDED** carried 7-5 by
roll call vote with Sen. Jent, Sen. Juneau, Sen.
Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen.
Jent voted by proxy.

00:08:12 **Motion:** Sen. McGee moved that **SB 327 DO PASS AS
AMENDED.**

Discussion:

00:08:28 Sen. Laslovich
00:08:59 Sen. Curtiss
00:09:36 Sen. McGee
00:10:30 Sen. Laslovich
00:11:36 Sen. McGee
00:12:31 Sen. Curtiss

00:13:18 **Vote:** Motion that **SB 327 DO PASS AS AMENDED** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

00:14:25 Sen. McGee

EXECUTIVE ACTION ON SB 333

00:16:38 **Motion/Vote:** Sen. Esp moved to **RECONSIDER THE MOTION on SB 333 TO REMOVE FROM THE TABLE.** Motion carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

00:17:48 **Motion:** Sen. Esp moved that **SB 333 DO PASS.**

Discussion:

00:18:08 Sen. Laslovich

00:18:15 Sen. Esp

00:18:35 Sen. Laslovich

00:18:51 Sen. Shockley

00:18:55 **Vote:** Motion that **SB 333 DO PASS** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 374

00:20:15 **Motion:** Sen. Shockley moved that **SB 374 DO PASS.**

00:20:28 **Motion:** Sen. Hinkle moved that **SB 374 BE AMENDED.**
EXHIBIT(jus40b04)

00:22:50 **Motion:** Sen. Hinkle moved **SB 374 WITHDREW THE MOTION TO AMEND SB 374.**

00:22:55 **Motion:** Sen. Shockley moved that **SB 374 BE AMENDED.**
EXHIBIT(jus40b05)

Discussion:

00:24:38 Sen. McGee

00:24:44 Sen. Perry

00:24:56 **Vote:** Motion that **SB 374 BE AMENDED** carried 11-1 by roll call vote with Sen. Juneau voting no. Sen. Jent voted by proxy.

00:25:38 **Motion:** Sen. Shockley moved that **SB 374 DO PASS AS AMENDED.**

Discussion:

00:25:45 Sen. Moss
00:27:38 Sen. Shockley
00:29:13 Sen. Laslovich
00:31:01 Sen. Shockley

00:31:52 **Vote:** Motion that **SB 374 DO PASS AS AMENDED** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 379

00:33:38 **Motion:** Sen. Shockley moved that **SB 379 DO PASS.**

Discussion:

00:33:57 Sen. Moss
00:35:22 Sen. Perry

00:36:54 **Vote:** Motion that **SB 379 DO PASS** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 380

00:38:29 **Motion:** Sen. Shockley moved that **SB 380 DO PASS.**

Discussion:

00:39:05 Sen. McGee
00:39:33 Sen. Shockley
00:40:36 Sen. Juneau

00:41:09 **Vote:** Motion that **SB 380 DO PASS** failed 6-6 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, Sen. Murphy, Sen. Perry, and Sen. Shockley voting aye. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 381

00:42:14 **Motion:** Sen. Shockley moved that **SB 381 DO PASS.**

Discussion:

00:43:34 Sen. Moss

00:44:35 Sen. McGee

00:45:57 Sen. Shockley

00:47:00 **Vote:** Motion that **SB 381 DO PASS** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 321

00:48:00 **Motion:** Sen. Moss moved that **SB 321 DO PASS.**

Discussion:

00:48:30 Sen. Larsen

00:48:58 Sen. McGee

00:50:22 Sen. Esp

00:51:06 Sen. Laslovich

00:52:28 Sen. Larsen

00:52:58 Sen. Shockley

00:53:54 **Vote:** Motion that **SB 321 DO PASS** failed 5-7 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 382

00:54:16 **Motion:** Sen. Shockley moved that **SB 382 DO PASS.**

Discussion:

00:55:16 Sen. Moss

00:56:26 Sen. Shockley

00:57:53 **Vote:** Motion that **SB 382 DO PASS** carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 406

00:58:22 **Motion:** Sen. Hinkle moved that **SB 406 DO PASS.**

Discussion:

00:58:50 Sen. Shockley

01:00:15 **Vote:** Motion that **SB 406 DO PASS** failed 6-6 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, Sen. Murphy, Sen. Perry, and Sen. Shockley voting aye. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 382

01:00:50 **Motion/Vote:** Sen. Shockley moved to **RECONSIDER THE ACTION on SB 382 FOR PURPOSE OF THE ADDITION OF AN AMENDMENT.** Motion carried 10-2 by voice vote with Sen. Moss and Sen. Juneau voting no. Sen. Jent voted by proxy.

01:01:58 **Motion:** Sen. Shockley moved **SB 382 DO PASS.**

01:02:21 **Motion:** Sen. Shockley moved that **SB 382 BE AMENDED.**
EXHIBIT(jus40b06)

01:03:09 **Vote:** Motion that **SB 382 BE AMENDED** carried 11-1 by roll call vote with Sen. Moss voting no. Sen. Jent voted by proxy.

01:03:58 **Motion/Vote:** Sen. Shockley moved that **SB 382 DO PASS AS AMENDED.** Motion carried 7-5 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting no. Sen. Jent voted by proxy.

01:05:15 break

EXECUTIVE ACTION ON SB 428

01:17:08 **Motion:** Sen. Shockley moved that **SB 428 DO PASS.**

01:17:27 **Substitute Motion/Vote:** Sen. Moss made a substitute motion that **SB 428 BE TABLED.** Substitute motion carried unanimously by voice vote. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 442

01:19:38 **Motion:** Sen. Laslovich moved that **SB 442 DO PASS.**

01:20:01 **Motion/Vote:** Sen. Laslovich moved that **SB 442 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Jent voted by proxy.

EXHIBIT(jus40b07)

01:21:51 **Motion:** Sen. Laslovich moved that **SB 442 DO PASS AS AMENDED.**

01:21:55 **Motion:** Sen. Laslovich moved that **SB 442 BE AMENDED TO STRIKE SECTION THREE.**

Discussion:

01:23:38 Sen. McGee

01:24:30 Sen. Laslovich

01:24:33 Sen. McGee

01:24:37 Sen. Perry

01:24:49 **Vote:** Motion that **SB 442 BE AMENDED** carried unanimously by voice vote. Sen. Jent voted by proxy.

01:25:01 **Motion:** Sen. Laslovich moved that **SB 442 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Jent voted by proxy.

01:26:13 Sen. Esp

EXECUTIVE ACTION ON SB 447

01:26:50 **Motion:** Sen. Hinkle moved that **SB 447 DO PASS.**

Discussion:

01:27:28 Sen. Shockley

01:27:30 Sen. Moss

01:27:36 **Vote:** Motion that **SB 447 DO PASS** carried unanimously by voice vote. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 464

01:28:13 **Motion/Vote:** Sen. Laslovich moved that **SB 464 DO PASS**. Motion carried unanimously by voice vote. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 468

01:30:05 **Motion:** Sen. Hinkle moved that **SB 468 DO PASS**.

01:30:29 **Motion:** Sen. Esp moved that **SB 468 BE AMENDED**.
[EXHIBIT\(jus40b08\)](#)

Discussion:

01:31:56 Sen. Shockley
01:31:58 Sen. McGee
01:32:41 Sen. Laslovich
01:34:33 Sen. McGee
01:37:34 Sen. Shockley
01:37:44 Sen. Larsen
01:38:19 Sen. Shockley
01:38:22 Sen. Esp

01:38:52 **Vote:** Motion that **SB 468 BE AMENDED** carried unanimously by voice vote. Sen. Jent voted by proxy.

01:39:22 **Motion/Vote:** Sen. Laslovich moved that **SB 468 DO PASS AS AMENDED**. Motion carried 9-3 by roll call vote with Sen. Jent, Sen. Juneau, and Sen. Moss voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 476

01:40:35 **Motion:** Sen. Shockley moved that **SB 476 DO PASS**.

Discussion:

01:41:32 Sen. McGee
01:41:43 Sen. Perry

01:41:53 **Vote:** Motion that **SB 476 DO PASS** carried unanimously by voice vote. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SJ 27

01:42:51 **Motion/Vote:** Sen. Curtiss moved that **SJ 27 DO PASS.**
Motion failed 6-6 by roll call vote with Sen. Curtiss,
Sen. Hinkle, Sen. McGee, Sen. Murphy, Sen. Perry, and
Sen. Shockley voting aye. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SJ 29

01:44:09 **Motion/Vote:** Sen. Moss moved that **SJ 29 DO PASS.**
Motion carried 10-2 by voice vote with Sen. Esp and
Sen. McGee voting no. Sen. Jent voted by proxy.

ADJOURNMENT

Adjournment: 8:20 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus40bad.pdf](#))