

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 23, 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 492, SB 497, 2/16/2009

Executive Action: Sb 497-Do Pass As Amended, SB 492-
Failed in Committee (5-7), SB 384-
Failed, Tied in Committee

HEARING ON SB 497

Opening Statement by Sponsor:

00:04:07 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 497, Creating the crime of obstructing a protest at a health care facility.

Proponents' Testimony:

00:05:49 Harris Himes, Pastor, Big Sky Christian Center
00:07:35 Niki Zupanic, ACLU
00:09:56 Stacey Anderson, Public Affairs Director, Planned Parenthood of Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:11:44 Sen. Laslovich
00:12:57 Mr. Himes
00:14:46 Sen. Hinkle
00:15:33 Sen. Shockley
00:17:20 Sen. Perry
00:17:38 Sen. Shockley

Closing by Sponsor:

00:19:48 Sen. Shockley

Distributed to the Committee Members regarding SB 497 heard today, 2/23/09:
[EXHIBIT\(jus42a01\)](#)

00:20:03 break

HEARING ON SB 492

Opening Statement by Sponsor:

00:25:12 Sen. Gary Perry (R), SD 35, opened the hearing on SB 492, Revise civil laws applicable to attorney fees.

Proponents' Testimony:

None

Opponents' Testimony:

00:32:14 Beth Baker, Montana Defense Trial Lawyers Association (MDTLA)
00:37:03 Al Smith, Montana Trial Lawyers Association (MTLA)
00:41:56 Bob Worthington, Executive Director, Montana Self-Insurers Association; Montana Municipality Insurance Association (MMIA)
00:44:37 Bruce Spencer, Property Casualty Insurers Association of America (PCIAA)
00:50:24 Greg Van Horssen, State Farm Insurance Company
00:52:09 Jacqueline Lenmark, American Insurance Association (AIA); American Council of Life Insurers
00:52:52 Jon Metropoulos, Farmers Insurance Group

Informational Testimony:

None

Questions from Committee Members and Responses:

00:56:36 Sen. McGee
00:57:50 Sen. Perry
00:59:42 Sen. Hinkle
01:00:06 Sen. Perry
01:00:27 Sen. McGee
01:01:16 Mr. Van Horssen

Closing by Sponsor:

01:05:00 Sen. Perry

01:26:06 break

EXECUTIVE ACTION ON SB 497

01:41:09 **Motion:** Sen. Shockley moved that **SB 497 DO PASS.**

01:41:25 **Motion:** Sen. Shockley moved that **SB 497 BE AMENDED.**
EXHIBIT(jus42a02)

Discussion:

01:42:11 Sen. McGee

01:42:38 **Vote:** Motion that **SB 497 BE AMENDED** carried
unanimously by voice vote. Sen. Jent voted by proxy.

01:42:45 **Motion:** Sen. Shockley moved that **SB 497 DO PASS AS**
AMENDED.

(Sen. Jent entered room)

01:42:53 **Motion:** Sen. Shockley moved that **SB 497 BE AMENDED BY**
INSERTING, "WITHOUT VIOLATING THE PROTESTOR'S RIGHTS
AND PROTECTIONS UNDER THE LAW" and where applicable
CHANGING THE WORD "PROTESTOR" TO "DEMONSTRATOR"

Discussion:

01:44:11 Valencia Lane, Legislative Services Division

01:44:44 Sen. Shockley

01:45:04 Sen. Larsen

01:45:52 Sen. Laslovich

01:46:52 Sen. Shockley

01:47:16 Sen. McGee

01:48:34 Sen. Esp

01:49:25 Sen. Shockley **WITHDREW MOTION** that **SB 497 BE AMENDED.**

01:49:41 **Motion:** Sen. Shockley moved that **SB 497 BE AMENDED BY**
INSERTING "WITHOUT VIOLATING THE PROTESTOR'S RIGHTS AND
PROTECTIONS UNDER THE LAW."

01:50:19 **Vote:** Motion that **SB 497 BE AMENDED** failed 2-10 by
roll call vote with Sen. Perry and Sen. Shockley voting
aye.

01:51:23 **Motion:** Sen. Shockley moved that **SB 497 BE AMENDED by**
CHANGING THE WORD where applicable "PROTESTOR/PROTEST"
to "DEMONSTRATOR/DEMONSTRATION".

01:51:51 Sen. Esp
01:51:58 Sen. Shockley
01:52:27 Sen. Larsen
01:52:44 Ms. Lane
01:53:12 Sen. Shockley
01:53:15 Sen. Esp
01:53:30 Ms. Lane

01:53:54 **Vote:** Motion that **SB 497 BE AMENDED by CHANGING THE WORD where applicable to "PROTESTOR/PROTEST" to "DEMONSTRATOR/DEMONSTRATION"** carried 10-2 by voice vote with Sen. Hinkle and Sen. McGee voting no.

01:54:11 **Motion/Vote:** Sen. Shockley moved that **SB 497 DO PASS AS AMENDED.** Motion carried unanimously by roll call vote.

01:55:31 Sen. McGee
01:55:35 Ms. Lane

EXECUTIVE ACTION ON SB 492

01:55:43 **Motion:** Sen. Hinkle moved that **SB 492 DO PASS.**

Discussion:

01:58:17 Sen. Shockley
01:58:33 Sen. Jent
02:01:24 Sen. Esp
02:01:37 Sen. Shockley
02:04:49 Sen. McGee
02:10:37 Sen. Shockley
02:11:22 Sen. Jent
02:16:53 Sen. Laslovich
02:21:29 Sen. Perry

02:31:29 **Vote:** Motion that **SB 492 DO PASS** failed 5-7 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, Sen. Murphy, and Sen. Perry voting aye.

EXECUTIVE ACTION ON SB 384

02:32:56 **Motion:** Sen. Jent moved that **SB 384 DO PASS.**

Discussion:

02:35:30 Sen. Shockley

02:36:18 Sen. Larsen

02:36:42 Sen. Jent

02:36:54 Sen. Esp

02:37:17 Sen. Perry

02:37:30 Sen. Shockley

02:38:05 Sen. McGee

02:38:56 Sen. Murphy

02:40:02 Sen. Jent

02:42:01 Sen. Perry

02:44:11 **Vote:** Motion that **SB 384 DO PASS** failed 6-6 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, Sen. Moss, and Sen. Shockley voting aye.

ADJOURNMENT

Adjournment: 11:45 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus42aad.pdf](#))