

## **MINUTES**

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

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Acting Chairperson, Dan McGee, on March 18, 2009  
at 9:00 A.M., in Room 303 Capitol

#### **ROLL CALL**

**Members Present:**

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:** Sen. Gary L. Perry, Chairman (R)

**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: HB 431, HB 407, 3/11/2009

Executive Action: HB 295-Tabled, HB 431-Tabled, HB  
322-Be Concurred In, HB 407-Be  
Concurred In As Amended, HJR-14-Be  
Concurred In As Amended, HB 397-Be  
Concurred In As Amended

**HEARING ON HB 431**

**Opening Statement by Sponsor:**

00:01:05 Rep. Anders Blewett (D), HD 21, opened the hearing on  
HB 431, Revise dog bite laws.

**Proponents' Testimony:**

00:05:16 Rep. Don Roberts, HD 56

**Opponents' Testimony:**

00:07:08 Bob Branson, self  
00:10:27 Virginia Geier, self  
00:13:02 Dave Wood, self  
00:19:57 Royal Aubrey Davis, Attorney  
00:23:53 Pat Wood, self  
00:24:49 Greg Van Horssen, State Farm Insurance Company  
00:29:22 Dwight Easton, Farmers Insurance Group  
00:30:07 Beth Baker, Montana Defense Trial Lawyers Association

**EXHIBIT(jus60b01)**

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:32:17 Sen. Hinkle  
00:33:56 Rep. Blewett  
00:35:17 Sen. McGee  
00:35:24 Rep. Blewett  
00:40:40 Sen. McGee  
00:41:00 Mr. Van Horssen  
00:42:53 Sen. Laslovich  
00:43:19 Mr. Van Horssen  
00:43:46 Sen. Laslovich  
00:44:16 Rep. Blewett  
00:46:09 Sen. Shockley  
00:46:13 Rep. Blewett

**Closing by Sponsor:**

00:48:38 Rep. Blewett

00:50:35 Break

(Sen. Perry upon completion of his bill presentation in the House Business and Labor Committee entered the room.)

**HEARING ON HB 407**

**Opening Statement by Sponsor:**

01:01:10 Rep. Margaret MacDonald (D), HD 54, opened the hearing on HB 407, Protect children from sexual exploitation and abuse.

**Proponents' Testimony:**

01:05:04 Steve Bullock, Attorney General, Department of Justice (DOJ)

**EXHIBIT(jus60b02)**

01:10:55 Dallas Erickson, Montana Citizens for Decency through Law

**EXHIBIT(jus60b03)**

01:13:06 Harris Himes, Pastor, Big Sky Christian Center

01:14:22 Pam Bucy, Montana Association of Chiefs of Police, Montana Police Protective Association

01:14:50 Judy Reel, Montana Coalition Against Domestic and Sexual Violence

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:15:22 Sen. McGee

01:15:47 Mr. Bullock

01:18:54 Sen. Moss

01:20:33 Mr. Bullock

01:22:15 Sen. Shockley

01:22:25 Mr. Bullock

01:23:56 Sen. Perry

01:24:26 Mr. Bullock

01:27:20 Sen. Laslovich

01:27:36 Mr. Bullock

**Closing by Sponsor:**

01:30:00 Rep. MacDonald

**Distributed the the Committee Members regarding HB 228 heard  
3/17/09:**

**EXHIBIT(jus60b04)**

01:30:30 break

**EXECUTIVE ACTION ON HB 431**

01:55:44 **Motion:** Sen. Laslovich moved that **HB 431 BE CONCURRED  
IN.**

01:56:00 **Motion:** Sen. Laslovich moved that **HB 431 BE AMENDED  
WITH A CONCEPTUAL AMENDMENT TO STRIKE LINE 14, 18, AND  
19.**

**Discussion:**

01:57:05 Sen. McGee

01:57:20 Sen. Laslovich

01:58:08 **Vote:** Motion that **HB 431 BE AMENDED** carried 9-3 by  
voice vote with Sen. Esp, Sen. Hinkle, and Sen. Murphy  
voting no.

01:58:38 **Motion:** Sen. Laslovich moved that **HB 431 BE CONCURRED  
IN AS AMENDED.**

**Discussion:**

01:59:12 Sen. Murphy

01:59:35 Sen. Jent

02:00:22 Sen. Esp

02:01:35 Sen. Perry

02:01:58 Sen. Shockley

02:02:19 **Vote:** Motion that **HB 431 BE CONCURRED IN AS AMENDED**  
failed 6-6 by roll call vote with Sen. Jent, Sen.  
Juneau, Sen. Larsen, Sen. Laslovich, Sen. Moss, and  
Sen. Shockley voting aye.

02:03:19 **Motion/Vote:** Sen. Esp moved that **HB 431 BE TABLED**.  
Motion carried 7-5 by roll call vote with Sen. Jent,  
Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss  
voting no.

**EXECUTIVE ACTION ON HB 295**

02:05:27 **Motion:** Sen. Shockley moved that **HB 295 BE CONCURRED  
IN**.

**Discussion:**

02:05:42 Sen. McGee

02:08:18 Sen. Jent

02:09:43 Sen. Shockley

02:13:31 **Vote:** Motion that **HB 295 BE CONCURRED IN** failed by  
roll call vote 5-7 with Sen. Juneau, Sen. Larsen,  
Sen. Laslovich, Sen. Moss, and Sen. Perry voting aye.

02:14:12 **Motion/Vote:** Sen. Shockley moved that **HB 295 BE TABLED  
AND THE VOTE REVERSED**. Motion carried.

**EXECUTIVE ACTION ON HB 322**

02:15:30 **Motion:** Sen. Shockley moved that **HB 322 BE CONCURRED  
IN**.

**Discussion:**

02:15:41 Sen. Jent

02:16:57 Sen. McGee

02:18:46 Sen. Perry

02:19:16 Sen. Laslovich

02:19:41 **Vote:** Motion that **HB 322 BE CONCURRED IN** carried  
unanimously by voice vote. Sen. Shockley will carry HB  
322 on the Senate floor.

**EXECUTIVE ACTION ON HB 397**

02:20:39 **Motion:** Sen. Esp moved that **HB 397 BE CONCURRED IN.**

02:20:46 **Motion:** Sen. Esp moved that **HB 397 BE AMENDED.**  
**EXHIBIT(jus60b05)**

**Discussion:**

02:22:17 Sen. Laslovich  
02:22:34 Sen. Esp  
02:22:55 Valencia Lane, Legislative Services Division  
02:23:26 Ms. Lane  
02:23:37 Sen. Esp  
02:24:20 Ms. Lane

02:25:48 **Vote:** Motion that **HB 397 BE AMENDED** carried 9-3 by voice vote with Sen. Hinkle, Sen. Larsen, and Sen. Laslovich voting no.

02:25:53 **Motion:** Sen. Esp moved that **HB 397 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:25:59 Sen. Perry  
02:27:47 Sen. Larsen  
02:27:53 Sen. McGee  
02:28:33 Ms. Lane  
02:29:40 Sen. Perry  
02:30:16 Sen. McGee  
02:31:03 Sen. Esp

02:32:04 **Motion:** Sen. Perry moved that **HB 397 BE AMENDED on PAGE 2, LINE 11, AFTER THE WORD REGISTRY, ADD "THE DEPARTMENT SHALL CONSULT THE REGISTRY AND NOTIFY THE THE RELATIVES..."**.

02:33:24 **Vote:** Motion that **HB 397 BE AMENDED** carried 11-1 by voice vote with Sen. Laslovich voting no.

02:33:37 **Motion:** Sen. Esp moved that **HB 397 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:33:43 Sen. McGee

02:33:59 Sen. Esp

02:34:11 **Vote:** Motion that **HB 397 BE CONCURRED IN AS AMENDED** carried 11-1 by voice vote with Sen. Laslovich voting no. Sen. Esp will carry HB 397 on the Senate floor.

**EXECUTIVE ACTION ON HJ 14**

02:35:13 **Motion:** Sen. Shockley moved that **HJ 14 BE CONCURRED IN.**

02:35:26 **Motion:** Sen. Laslovich moved that **HJ 14 BE AMENDED.**  
**EXHIBIT(jus60b06)**

02:36:50 **Motion:** Sen. Shockley moved that **HJ 14 BE AMENDED TO SEGREGATE SECTION #3 OF THE AMENDMENT FROM #1 AND #2.**

02:37:35 Ms. Lane

02:37:38 Sen. Perry ruled without objection to **SEGREGATE #3 FROM SECTION #1 AND #2.**

02:38:18 Ms. Lane

**Discussion:**

02:38:48 Sen. McGee

02:39:31 Sen. Laslovich

02:42:38 Sen. Shockley

02:43:00 Sen. Laslovich

02:43:40 Sen. Shockley **WITHDREW THE MOTION TO SEGREGATE #3 FROM SECTION #1 AND #2.**

02:43:56 **Vote:** Motion that **HJ 14 BE AMENDED** (with Exhibit 6 in its entirety) carried 8-4 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, and Sen. Murphy voting no.

**Discussion:**

02:44:51 Sen. Moss

02:45:28 Sen. Jent

02:45:34 Sen. Shockley

02:45:46 Sen. Laslovich

02:46:22 Sen. Perry

02:46:53 Sen. Juneau

02:47:32 Sen. Shockley

02:47:40 **Vote:** Motion that **HJ 14 BE CONCURRED IN AS AMENDED** carried 7-5 by roll call vote with Sen. Esp, Sen. Larsen, Sen. Jent, Sen. Juneau, and Sen. Moss voting no. Sen. Hinkle will carry HJ 14 on the Senate floor.

**EXECUTIVE ACTION ON HB 407**

02:49:25 **Motion:** Sen. Shockley moved that **HB 407 BE CONCURRED IN.**

02:49:35 **Motion:** Sen. Shockley moved that **HB 407 BE AMENDED WITH A CONCEPTUAL AMENDMENT ON PAGE 2, LINE 1, DELETE: "OR ATTEMPTS TO TRAVEL ANY DISTANCE..."**.

**Discussion:**

02:50:11 Sen. Shockley

02:50:35 Sen. McGee

02:51:00 Ms. Lane

02:51:36 shockley

02:51:54 **Vote:** Motion that **HB 407 BE AMENDED** carried 10-2 by voice vote with Sen. Juneau and Sen. Laslovich voting no.

02:52:09 **Motion/Vote:** Sen. Shockley moved that **HB 407 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Laslovich will carry HB 407 on the Senate floor.



**ADJOURNMENT**

Adjournment: 11:53 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT ([jus60bad.pdf](#))**