

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Gary L. Perry, on March 27, 2009 at 9:17  
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: HB 536, HB 628, 3/19/2009

Executive Action: HB 536-Failed, Tie Vote, HB 628-Be  
Concurred in As Amended

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**HEARING ON HB 628****Opening Statement by Sponsor:**

00:01:02 Rep. Ron Stoker (R), HD 87, opened the hearing on HB 628, Careless and reckless driving resulting in death.

**Proponents' Testimony:**

00:04:38 Pat Tucker, mother of Cady Tucker  
**EXHIBIT (jus68a01)**  
00:12:43 Jamie Tucker-Robbins, cousin of Cady Tucker  
00:14:58 Barbara Tucker, aunt of Cady Tucker  
00:19:32 Dr. Dale Robins, uncle of Cady Tucker  
00:20:22 Bob Starr, father of Cady Tucker  
00:21:43 Ronda Dover, mother of James Neumayer; grandmother of Kaitlyn Neumayer  
00:25:13 Bob Cushman, driver of vehicle of Cady Tucker; University of Montana School of Journalism; photographer  
00:27:17 Brent Linneweber, Park County Attorney; Montana County Attorneys Association  
00:32:32 Brant Light, Assistant Attorney General, Department of Justice  
00:32:56 David Carter, Deputy County Attorney, Yellowstone County  
00:37:07 Merle Raph, Toole County Attorney; President, Montana County Attorneys Association

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:40:24 Sen. Laslovich  
00:41:15 Mr. Carter  
00:45:46 Sen. Laslovich  
00:46:25 Rep. Stoker  
00:48:06 Sen. McGee  
00:48:52 Ms. P. Tucker  
00:53:51 Sen. Hinkle  
00:55:06 Mr. Light

00:57:07 Sen. Moss  
00:57:21 Ms. B. Tucker  
01:01:24 Sen. Juneau  
01:02:38 Mr. Light  
01:05:42 Sen. Perry  
01:06:09 Mr. Light  
01:07:13 Sen. Perry  
01:07:38 Rep. Stoker

**Closing by Sponsor:**

01:10:02 Rep. Stoker

01:13:01 break

**HEARING ON HB 536**

**Opening Statement by Sponsor:**

01:25:12 Rep. Sue Malek (D), HD 98, opened the hearing on HB 536, Revise interlock ignition device requirements.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:29:26 Sen. Laslovich  
01:30:13 Rep. Malek  
01:31:30 Sen. McGee  
01:32:05 Rep. Malek  
01:34:09 Sen. Hinkle  
01:34:50 Rep. Malek  
01:36:27 Sen. Perry  
01:37:59 Valencia Lane, Legislative Services Division  
01:38:52 Rep. Malek

**Closing by Sponsor:**

01:40:10 Rep. Malek

01:41:09 Sen. Shockley

**Sub-Committee Report for HB 228:**

01:41:40 Sen. McGee

[EXHIBIT\(jus68a02\)](#)

[EXHIBIT\(jus68a03\)](#)

02:00:50 Sen. Perry

02:01:13 Sen. Laslovich

02:02:30 Sen. McGee

02:02:54 break

**Distributed to the Committee members regarding HB 228 heard,  
3/17/09:**

[EXHIBIT\(jus68a04\)](#)

[EXHIBIT\(jus68a05\)](#)

**EXECUTIVE ACTION ON HB 536**

02:10:57 **Motion:** Sen. Shockley moved that **HB 536 BE CONCURRED  
IN.**

02:11:09 **Motion:** Sen. Perry moved that **HB 536 BE AMENDED.**  
[EXHIBIT\(jus68a06\)](#)

**Discussion:**

02:13:12 Sen. Laslovich

02:13:42 Sen. Shockley

02:13:59 Ms. Lane

02:16:07 Sen. Shockley

02:16:38 Sen. Perry

02:17:58 Sen. McGee

02:18:39 Sen. Larsen

02:19:18 Sen. Laslovich

02:21:17 Sen. Perry

02:21:40 Sen. Juneau

02:22:11 Ms. Lane

02:22:28 Sen. Juneau  
 02:23:03 Sen. Perry  
 02:23:58 Sen. Esp  
 02:24:47 Sen. Shockley  
 02:25:08 Sen. Perry

02:26:09 **Vote:** Motion that **HB 536 BE AMENDED** carried 9-3 by voice vote with Sen. Esp, Sen. Juneau, and Sen. Murphy voting no.

(Sen. Esp absent from room)

02:26:38 **Motion:** Sen. Shockley moved that **HB 536 BE CONCURRED IN AS AMENDED.**

02:26:43 Sen. McGee  
 02:26:52 Sen. Larsen  
 02:27:07 Ms. Lane  
 02:27:56 Sen. Shockley  
 02:28:11 Sen. Jent  
 02:29:06 Sen. Laslovich  
 02:30:39 Sen. Moss  
 02:31:18 Sen. Perry  
 02:31:46 Sen. Shockley  
 02:31:54 Sen. Juneau  
 02:32:28 Sen. Shockley  
 02:33:24 Sen. McGee  
 02:35:05 Sen. Hinkle  
 02:36:11 Sen. Perry  
 02:36:27 Sen. Larsen  
 02:37:05 Sen. Perry

02:37:46 **Vote:** Motion that **HB 536 BE CONCURRED IN AS AMENDED** failed 6-6 by roll call vote with Sen. Esp, Sen. Larsen, Sen. Laslovich, Sen. Moss, Sen. Perry, and Sen. Shockley voting aye. Sen. Esp voted by proxy.

**EXECUTIVE ACTION ON HB 628**

02:39:07 **Motion:** Sen. Shockley moved that **HB 628 BE CONCURRED IN.**

02:39:31 **Motion:** Sen. Laslovich moved that **HB 628 BE AMENDED.**  
[EXHIBIT\(jus68a07\)](#)

**Discussion:**

02:41:27 Sen. McGee

02:41:42 **Vote:** Motion that **HB 628 BE AMENDED** carried unanimously by voice vote. Sen. Esp voted by proxy.

02:41:54 **Motion:** Sen. McGee moved that **HB 628 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:42:02 Sen. Murphy

02:42:59 Sen. McGee

02:43:37 Sen. Jent

02:45:03 Sen. Shockley

02:45:53 Sen. Jent

02:48:21 Sen. Larsen

02:49:46 Sen. Juneau

02:50:53 Sen. Hinkle

02:51:44 **Motion:** Sen. Laslovich moved that **HB 628 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO STRIKE ALL LANGUAGE AFTER SECTION 1 AND CHANGE THE TITLE ACCORDINGLY. On PAGE 3, LINE 1 and LINE 3, TAKE OUT "TO REFERENCES 61-8-301 AND 61-8-302".**

(Sen. Esp returned to room)

**Discussion:**

02:53:10 Sen. McGee

02:54:12 Sen. Perry

02:54:46 Sen. Murphy

02:56:08 **Vote:** Motion that **HB 628 BE AMENDED WITH A CONCEPTUAL AMENDMENT** carried 8-4 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. McGee, and Sen. Perry voting no.

02:56:11 **Motion/Vote:** Sen. Laslovich moved that **HB 628 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Laslovich will carry HB 628 on the Senate floor.

**ADJOURNMENT**

Adjournment: 12:10 P.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT ([jus68aad.pdf](#))**