MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 2-10-05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. MICHAEL WHEAT, CHAIRMAN	X		
SEN. BRENT CROMLEY	X		
SEN. AUBYN CURTISS	X		
SEN. JON ELLINGSON	X		
SEN. JESSE LASLOVICH	X		
SEN. JEFF MANGAN	X		
SEN. DAN McGEE	X		
SEN. LYNDA MOSS	X		
SEN. JERRY O'NEIL	X		
SEN. GERALD PEASE			
SEN. GARY PERRY	X		
SEN. JIM SHOCKLEY	X		
VALENCIA LANE, LSD			
MARI PREWETT, COMMITTEE SECRETARY			

DATE February 10, 2005

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 374, SB 375, SB 378

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Randy Cox	543-6646	Montana Rail Link	375		X
Fran Marceau	7556336	UTU	375	X	
Craig Gilchrist	228-9890	BLET	375	X	
Jacqueline Lenmark	2-0230	Am. Ins. Assn	375		X
"	"	"	378		X
Zander Blewett	761-1960	Self	375	X	
Erik Thueson	4478200	Self	375	X	
Leo Berry	443-6850	BWSF	375		X
Al Smith	443-3124	MTLA	375 378	X X	
Bill Penn	723-4061	Butte Silver Bow	375		X
Carl Bell	593-2018	Butt. Silver Bow Gov	375		X
GEORGE D. PAUL	723-4321	PORT OF MONTANA	375		X
Bill Tash		SD 36	375		X
Jerry Driscoll	860-8650	AFL-CIO	378	X	
Larry Kubbell	360-770-6929	PCI	378		X
Dwight Earlen	240-5010	Farmers Ins	378		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE

SENATE COMMITTEE ON SB 375

BILLS BEING HEARD TODAY:

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Ed Bartlett	443-6820	Union Pacific	SB 375		X
Don Judge	459-1708	Teamsters Local 190	SB 375	X	
Roger Niklens	442-9555	IAM	378		X
Darrell Holzer	439-1707	MT AFL-CIO	375	X	
Mike Halligan	378-6551	Wash Corp	375		X
Richard Owen	761-4596	Mt Grain Growers	375		X
John Youngberg	570-4103	MFBF	375		X

VISITOR REGISTER

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2-10-05

SB 375

Sen Crombley
Chair

Tape 1
Side A

Sen

Allow FELA Defendents in MT
to bring a claim anywhere in the
State where the railroad does business

Rule v Burlington Northern

reads excerp from the decision

1991 Ford v B.N.
1989 Haize v BN
1997 Davis v United Pacific

Rule decision

1995 when rule changed

Worker protection bill

7.9 P - Rep Bob Berger =
strongly urge support
Create a fairness issue
need to have in neutral site

9.4 Andrew Blewett - testified in support
X Written testimony

15.0 Fran Marceau -
levels the playing field

16.0 Chris Gilchrist = trying get rights
restored - fairness issue

~~#~~ 17.0 Erik Thueson
~~and~~ written testimony

discusses case he is involved
in right ~~now~~ now
George Trepanias

allows railroad to choose place of trial
Give worker a level playing field

FELA - Montana Law - same of Bill
passes -

22.5 Al Smith - MTLA - does not violate
equal protection
gives choice - not special privilege

24.1 Don Judge - Teamsters Local 190 -
support bill =
return balance -
matter of political power -
restrict ability of workers
return balance -
only where employer has a place
of business
only Montanans

26.6 Darrel Holzer AFL-CIO
Strong support
farmers issue.
~~[illegible]~~ major issue

Tape 1
side B

O - Randy Cox - Missoula Attorney
Montana Rail Link
MRL - Montana Company

refers to Rule v BN

* copy of opinion

Exh. 3

FELA case file in Federal Court
only ones that have that right

No need - no justification to change law.

14.0 Paul Babb - Chief Executive Butte - Silver Bow

economic development
Union Pacific Railroad
need incentives to keep railroad

15.5 George Paul - Gen. Manager - Port of Montana
X provides brochure
need the railroads
for economic development

17.8 Les Berry - Attorney - Helena BN & Santa Fe
discusses why 1997 Legislature
made the change -
quotes from Rule v BN

24.8 William Penn - Economic Development
Director, Butte - Silver Bow
need services provided by railroads

Tape 2
Side
A

Sen

0.9 Bill Tash - SD 36
talks about Union Pacific Railroad

9.9 I - None

10.0 ?

Mangan - Mr. Bartlett

Economic Development Issue

11.5 Mangan - Bartlett

Mangan -
11.8 Mr. Owen -

12.7 Mangan - Mr. Berry
does not have those kinds
of figures

13.4 Mangan - Mr. Berry -
does not have figures

13.9 Mangan - Mr. Babb

15.5 Mangan - Mr. Babb -

16.0 Ellenzson - Mr. Blewett
Decision Rule v BN

18.5 Ellerizon - Blewett

19.0 McGee - Don Judge

19.8 Kaslovick - Sen. Wheat
line 28 - Where railroad does business
what your intent
Fed. case law - don't know -
where tracks are and workers are

21.5 O'Neil - Mr. Blewett

22.5 O'Neil - Mr. Blewett

23.1 O'Neil - Mr. Blewett

Sen.-
23.8 Cromley - Mr. Cox

25.9 Perry - Al Smith

27.3 Perry - Sen. Wheat
Mr. Blewett's testimony

29.6 Perry - Sen. Wheat
refers to MCA

31.6 McGee - Mike Halligan -

Tape 2 Side B

Close

Sen. Wheat

A bill to do the right thing to do for injured R.R. workers.

5 min recess

5.4

SB 378 Sen Wheat (policy limits)

access to ins. parameters early on

provides example

would save clients attorney fees

Tape 3 Side A

5.9 - P - Al Smith, MTLA -

support bill

might actually decrease litigation

passed in other States

help consumers

5.3 O - John Alke - MT Defense Trial Lawyers

adamant opposition

9.9 - Jackie Lenmark - American Ins. Assn -

line 13

"serve upon the parties"

1.4 P - None

O - John Acke - ~~VIII~~ MDTL

Article 7 of Constitution

Sec 3 -

Sec 7 - all offices 8 years

Sec 8 - filled by Vote of Electorate

Solution in search of a problem

4.0 I - None

4.2 ? - Ellington - Wheat

5.2 Sen Shockley - Sen Wheat

5.8 Close -

5.9

Saturday after session