MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 2-18-05

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	X		
SEN. GARY PERRY	X		
SEN. JIM SHOCKLEY	X		
VALENCIA LANE, LSD			
MARI PREWETT, COMMITTEE SECRETARY			

DATE 2-18-04

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 391, SB 392, SB 394, SB 397, SB 399, SB 400, SJ 26 & SJ 27

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Dallas Erickson	240-5277	MCDC	391-394 397 399 400	X	
Bruce Simon	245-4237	Self	SB 399	X	
Harris Hines		MFC	391-394 397 399 400	X	
Chris Manus	442-7660	State Bar of MT	391-400		X
Esther Fishbaugh	587-0455	self	391, 397 399, 400 394	X	
Don Judge	459-1708	Teamsters Local 190 Self	SJR 27	X	
GENE FENDERSON	431-6667	LABORERS UNION	SJR-27	X	
GAYLA BENEFIELD	293-5535	Libby Victims	SJR27	X	
Gordon Sullivan	293-3768	Libby MT TAG	R	X	
LeRoy Thom	293-8731	LIBBY MT	27	X	
Dan Shea	—	Helena	Not sure		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

2-18-05

Tape 1
Side A

SJ 27 Harrington
discusses Resolution
very important issue
discusses newspaper article Exhibit

Exh. 1

7.0 P- Lt. Governor Bolinger -
on behalf of administration & people of Montana
Send message to U.S. Congress
Written Testimony

2

10.0 Roger Sullivan - Attorney, Libby
Written Testimony w/ supporting documents

Exh. 3,

14.5 LeRoy Tomp - involved w/ Committees
dealing w/ problem
LAMP - New West Ins. Company - 3rd Party
denying oxygen
Pulmonary Testing

19.8 Dale Benefield =
300 / 1500 -
10 new people per month
30 - 50
average 40-50

against D.C.

fairness bill
90% not eligible to receive compensation
simply lived played and worked in Libby

Stand behind Libby

fairness bill only extends 25 years
not a handout but a helping hand

24.1 Gordon Sullivan, Libby
tells why he moved to Libby
discusses the cleanup of Libby

27.0 Don Judge - Teamsters Local 190 & on behalf
of himself

29.7 25-50 million homes insulated ~~by~~
~~the~~ w/ W R Grace Products

Tape 1 side B

Gene Fenderson -

1.3 Jeff Barber -

1.8 - Debra Ryan -

37.0 - None
I - None

? 3.9 McGee - Mr. Sullivan

2.9

(6.4) 4.9 Close - Sen. Harrington

1B SJ-26 Sen Curtiss SD 1

6.7 talks about legislation in U.S. Senate
do not want to extend time

U.S. Supreme Court has urged Congress
to do something -
600,000 cases in court right now -

Sen Wheat went to Sponsor a Bill -

"140 billion dollar Trust Fund"
talks about Sunset Clause
and its problems

P - ~~None~~ Roger Sullivan -
Circulated proposal to
put SJ 26 and SJ 27 together.

O - None
I - None
? - McGee - Mr. Sullivan

15.9 Close - Senator Curtiss
Make provision people taken
care of -

(11.2)

Tape 2
Side A

Sen Bulycat -
SB 391, 392, 394, 397, 399, 400

Bills attempt at judicial reform
explains all ~~[illegible]~~ bills simultaneously

refers to Jefferson and checks and balances

no one able to overrule the Supreme Court

fear Court becoming too powerful -

6-Rules - Confine to narrowly constructed decisions

leave interpretation of rights to Legislature

(negative rights
positive rights

MT S.C. disregards political doctrine

Chairman Wheat Returned

MT #1 overturning decisions
3-2-601 All Court decisions accompanied by reasons -

Singer Subject Rule -
- now single section rule -

CI-75 decision

No ability to overrule Court through
Constitutional Amendments -

"benevolent dictatorship"

391. Term Limits for Judges
392 - Set Judges pay as Legislators
Amendments 394 - No Bar Requirement to Be Judge
2 397 - ~~Ex~~ Enact Judicial Override
399 - Applies Open Meeting Law to Judiciary
400 - ~~Turn into a Referendum~~
Reg. any lawsuit against legislature
brought in County of Legislator

Tape 2
Side B

continuation of opening statements
of Senator Balyeat

Written Testimony
*

Menu of choice
enact side boards

9.3 P - Bruce Simon - Billings SB 399
Article 2 of Constitution
" 2 Section 9 - open mtgs all public bodies
33 years - current constitution
urge pass SB 399

15.1 Harris Himes in Favor of all Bills
399 - duplication of Sen. Harringtons Bill
applaud Sen. Balyeat to bring something
like this forward -
re fellow out-of-state attorneys

Cal - 200,000 attorneys -
Break bondage -
"lawyers watch dogs of society"

S.C - everything w/o representation
talks about CI - 75 -

"price of liberty - diligence, liberance & courage -

← * Dallas Ericksons Testimony

21.8 Esther Fushbagh 391, 394, 397, 400
make more accountable
community preferences
Courts limit themselves
need power from the people

hard to remove - be more accountable to the
people

Right of people not the Courts

closer scrutiny higher accountability

25.0 – Sen. Laslovich – disagree w/ Sen. Babcock
all bills spec. 397 and 399

Tape 3
Side A

continuation of Sen. Laslovich's testimony
8 yr term –

399 open meeting rule –

Independent Branch – not subject to
political intervention

5.3 Chris ~~Mitts~~ Manis 391, 392, 394, 397, 399, 400
in opposition of all bills

2 key issues Justice of U.S. Supreme Court
Funding
Judicial Activism
tension between 3 branches is important

* ~~392~~ – 391 – refers to handout
392 –
394 –
397 –
399 –

15.2 Alex Hamilton Quote

16.8 Boris Brusett SB 397
Churcher opposes

18.8 I - ~~None~~ Dan Shea - Helena
SB 400
~~[illegible]~~ rec. — continue venue in L&C Co
have rotating basis for Judges from
other counties —
Clerk of Courts keep registry of Judges
spreading Judicial Power all over
the State

Increasingly isolated in making decisions
cases not argued
and hardly ever to full membership

Tape 3
Side B
Start 5.7

McGee to Manis

1.7 McGee to Mr Manis

2.9 O'Neil - Sen Babcock
randomly selected Dist. Court might
work —

5.9 Sen Crowley - Sen Babcock

abandoned all 6 rules

7.7 Sen. Cromley - Balyeat
~~avoiding~~ avoided increased dominance
and how -
diviged

9.9 Close Sen. Balyeat -
SB 400 - look for a different venue
for hearing law suits against
Legislature
refers to School Funding law suit

Montana Court outside of the Historical ~~[illegible]~~ System

Judges should not reflect any political
philosophy

open meeting law -

= Talks about James Madison =

22.4

10:38