

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on February 16, 2007
at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)
Sen. David E. Wanzenried (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

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 450, 2/12/2007; SB 426,
2/12/2007; SB 447, 2/12/2007;
SJ 10, 2/12/2007
Executive Action: SJ 10; SB 154; SB 156; SB 373;
SB 31; SB 49; SB 392; SB 347

HEARING ON SB 450

Opening Statement by Sponsor:

00:01:11 SEN. CAROL JUNEAU (D), SD 8, opened the hearing on SB 450, Extend water compact commission.

EXHIBIT (jus35a01)

Proponents:

00:04:22 John Carter, Confederated Salish and Kootenai Tribes (CSKT)

00:17:31 James Steele, CSKT

00:22:32 Ron Trahan, CSKT

00:23:28 Steve Lozar, Tribal Council, Polson District, CSKT

00:25:57 Sen. Frank Smith

00:26:53 Kathleen Birrage, Tribal Attorney, Crow Agency and Fort Belknap

Opponents:

00:28:24 Chris Tweeten, Chairman, Montana Water Compact Commission (MWCC)

00:41:03 Mike Murphy, Montana Water Compact Association (MWCA)

Informational Testimony: None.

Questions from Committee Members and Responses:

00:43:07 Sen. Lynda Moss to Mr. Carter, CSKT

00:46:45 Sen. Dan McGee to Mr. Tweeten, MWCC

00:52:26 Sen. Jim Shockley to Mr. Tweeten, MWCC

00:59:55 Sen. Shockley to Mr. Carter, CSKT

01:03:05 Sen. Jesse Laslovich to Mr. Tweeten, MWCC

Closing by Sponsor:

01:04:13 Sen. Juneau

HEARING ON SB 426

Opening Statement by Sponsor:

01:08:23 **SEN. LARRY JENT (D), SD 32**, opened the hearing on **SB 426**, Revise attorney fees for medical benefits in work comp cases.

Proponents:

01:13:03 Patrick Sullivan

01:15:23 Thomas Murphy, Montana Trial Lawyers Association (MTLA)

01:20:16 Norm Newhall, Attorney

EXHIBIT (jus35a02)

01:24:30 K. Allan Ward, Podiatrist

01:27:08 Rick Pyfer, Attorney

01:32:32 John Flink, Montana Hospital Association (MHA)

01:33:37 John Green, St. Peter's Hospital

01:34:27 Tom Welch, Injured Workers

01:36:48 Don Judge, Montana Injured Workers Resource Council

01:42:35 Jason Miller, AFL/CIO

01:44:10 Andrea J. Olsen, Montana Trial Lawyers Association (MTLA)

Opponents:

01:47:10 Jacqueline Lenmark, American Insurance Association

EXHIBIT (jus35a03)

01:58:04 Larry Jones, Attorney, Liberty NorthWest
02:06:15 Nancy Butler, Montana State Fund
02:07:30 Shawn Bubb, Montana School Board Insurance Group
02:10:15 George Wood, Executive Secretary, Montana Self-Insurers
Association
02:11:32 John Bennion, Montana Chamber of Commerce
02:12:13 Jason Todhunter, Montana Loggers Association
02:12:25 Riley Johnson, National Federation of Insurance
Business (NFIB)

Informational Testimony:

02:12:51 Jerry Keck, Administrator, Bureau of Administration,
Montana Department of Labor & Industry (DLI)

Questions from Committee Members and Responses:

02:13:25 Sen. McGee to Sen. Jent
02:14:10 Sen. O'Neil to Mr. Sullivan

EXHIBIT(jus35a04)

02:18:08 Sen. Laslovich to Mr. Newhall, Attorney

Closing by Sponsor:

02:21:50 Sen. Jent

HEARING ON SB 447

Opening Statement by Sponsor:

02:24:19 **SEN. GARY PERRY (R), SD 35**, opened the hearing on **SB 447**, Revise victim's rights laws.

Proponents:

02:28:29 Sally Hilander, Victims Information Specialist,
Department of Corrections

EXHIBIT (jus35a05)

02:31:35 Mikie Baker-Hajek, Cascade County Crime Victims Rights

02:36:01 Jennifer Hill-Hart, Montana Coalition Against Domestic
and Sexual violence (MCADSV)

02:39:02 Ali Bovingdon, Attorney General's Office, Montana
Department of Justice (DOJ)

Opponents: None.

Informational Testimony: None.

02:40:21 Mary Phippen, Montana Association of Clerks of District
Courts (MACDC)

EXHIBIT (jus35a06)

Questions from Committee Members and Responses:

02:42:10 Sen. McGee to Sen. Perry

02:48:55 Sen. Laslovich to Sen. Perry

02:50:24 Sen. Jim Shockley to Sen. Perry

02:54:02 Sen. Laslovich to Ms. Bovingdon, DOJ

02:54:38 Sen. Laslovich to Ms. Phippen, MACDC

02:55:33 Sen. Laslovich to Ms. Bovingdon, DOJ

03:02:50 Sen. Larry Jent to Ms. Bovingdon, DOJ

Closing by Sponsor:

03:03:20 Sen. Perry

HEARING ON SJ 10

Opening Statement by Sponsor:

03:04:04 **SEN. ROY BROWN (R), SD 25**, opened the hearing on **SJ 10**,
Study uninsured motorist solutions.

[EXHIBIT \(jus35a07\)](#)

Proponents:

03:10:46 Jacqueline Lenmark, American Insurance Association
(AIA)

03:12:27 Roger McGlenn, Executive Director, Independent
Insurance Agents of Montana (IIAMT)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

03:13:26 Sen. Shockley to Mr. McGlenn, IIAMT

Closing by Sponsor:

03:15:38 Sen. Brown

EXECUTIVE ACTION ON SJ 10

03:16:59 Motion: **SEN. WANZENRIED** moved that **SJ 10 BE ADOPTED.**

Discussion:

03:17:13 Sen. Shockley

03:17:48 Vote: Motion carried unanimously by voice vote.
SEN. WILLIAMS and **SEN. MCGEE** voted aye by proxy.

**EXECUTIVE ACTION ON SENATE COMMITTEE RESOLUTION REGARDING PRISON
NON-VIOLENT OFFENDERS**

03:18:58 **Motion:** SEN. LASLOVICH moved that Committee staff draft a resolution regarding prison non-violent offenders.

Discussion:

03:19:11 Sen. Shockley

03:19:43 Sen. O'Neil

03:20:07 **Vote:** Motion that the Committee resolution be drafted carried unanimously by voice vote. SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 154

03:22:22 Sen. Laslovich

03:22:26 **Motion/Vote:** SEN. MOSS moved that SB 154 BE TABLED. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. MCGEE voted aye by proxy.

EXECUTIVE ACTION ON SB 156

03:22:42 Sen. Laslovich

03:23:06 **Motion/Vote:** SEN. PERRY moved that SB 156 BE TABLED. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. MCGEE voted aye by proxy.

EXECUTIVE ACTION ON SB 373

03:23:40 **Motion/Vote:** SEN. MOSS moved that SB 373 BE TABLED. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. MCGEE voted aye by proxy.

EXECUTIVE ACTION ON SB 31

03:25:00 **Motion:** SEN. LASLOVICH moved that SB 31 DO PASS.

03:25:05 Motion: SEN. JENT moved to amend SB 31 with amendment #SB003102.AVL.

EXHIBIT(jus35a08)
EXHIBIT(9)

Discussion:

03:28:16 Vote: Motion that amendment #SB003102.AVL BE ADOPTED carried unanimously by voice vote. SEN. WILLIAMS and SEN. MCGEE voted aye by proxy.

03:28:37 Motion: SEN. JENT moved further amend SB 31 with amendment #SB003101.AVL.

EXHIBIT(jus35a09)

Discussion:

03:28:41 Vote: Motion that amendment #SB003101.AVL BE ADOPTED carried unanimously by voice vote. SEN. WILLIAMS and SEN. MCGEE voted aye by proxy.

03:30:03 Motion/Vote: SEN. JENT moved that SB 31 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. MCGEE voted aye by proxy.

EXECUTIVE ACTION ON SB 49

03:30:24 Motion: SEN. JENT moved that SB 49 DO PASS.

Discussion:

03:30:37 Motion: SEN. JENT moved to amend SB 49 with amendment #SB004905.AVL.

EXHIBIT(jus35a10)

Discussion:

03:31:45 Ms. Lane, LSD

03:32:14 Sen. Jent

03:33:57 Vote: Motion that amendment #SB004905.AVL carried unanimously by voice vote. SEN. WILLIAMS, SEN. JUNEAU, and SEN. MCGEE voted aye by proxy.

03:34:29 Motion: SEN. JENT moved to further amend SB 49 with amendment #SB004903.AVL.

EXHIBIT(jus35a11)

Discussion:

03:35:33 Motion/Vote: Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. JUNEAU, and SEN. MCGEE voted aye by proxy.

03:35:58 Motion: SEN. JENT moved that SB 49 DO PASS AS AMENDED.

Discussion:

03:36:33 Motion/Vote: Motion that SB 49 DO PASS AS AMENDED carried unanimously by voice vote. SEN. WILLIAMS, SEN. JUNEAU, and SEN. MCGEE voted aye by proxy.

EXECUTIVE ACTION ON SB 392

03:37:43 Motion: SEN. O'NEIL moved that SB 392 DO PASS.

03:38:09 Motion: SEN. O'NEIL moved to amend SB 392 with amendment #SB039201.AVL.

Discussion:

03:39:24 Vote: Motion that amendment #SB039201.AVL BE ADOPTED carried unanimously by voice vote. SEN. WILLIAMS, SEN. JUNEAU, and SEN. MCGEE voted aye by proxy.

03:39:46 Motion: SEN. O'NEIL moved that SB 392 DO PASS AS AMENDED.

Discussion:

03:40:16 Sen. O'Neil

03:41:17 Sen. Jent

03:43:13 Sen. Perry

03:44:03 Vote: Motion that SB 392 DO PASS AS AMENDED failed 5-7 by roll call vote with SEN. MCGEE, SEN. SHOCKLEY, SEN. CURTISS, SEN. O'NEIL, and SEN. PERRY voting aye.

03:44:20 Motion/Vote: SEN. LASLOVICH moved that SB 392 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON SB 347

3:45:51 Sen. Laslovich

03:45:57 Motion: SEN. SHOCKLEY moved that SB 347 DO PASS.

Discussion:

03:46:20 Motion: SEN. SHOCKLEY moved to amend SB 347 with amendment #SB034701.ATE.

Discussion:

03:46:39 Sen. Shockley

03:47:46 Vote: Motion that amendment #SB034701.ATE carried unanimously by voice vote. SEN. WILLIAMS, SEN. MCGEE, and SEN. JUNEAU voted aye by proxy.

03:48:01 Motion: SEN. SHOCKLEY moved that SB 347 DO PASS AS AMENDED.

Discussion:

03:48:17 Vote: Motion that SB 347 DO PASS AS AMENDED carried unanimously by voice vote. SEN. WILLIAMS, SEN. JUNEAU, and SEN. MCGEE voted aye by proxy.

ADJOURNMENT

Adjournment: 11:50 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus35aad.pdf](#))