

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Terry Murphy, on March 3, 2011 at 9:00 AM, in Room 422 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Jim Shockley, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Jeff Essmann (R)  
Sen. Greg Hinkle (R)  
Sen. Rowlie Hutton (R)  
Sen. Larry Jent (D)  
Sen. Lynda Moss (D)

##### **Members Excused:**

Sen. Cliff Larsen (D)  
Sen. Jim Peterson (R)  
Sen. Chas Vincent (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 71, 2/22/2011; HB 106, 2/22/2011

Executive Action: HB 65-Be Concurred In, HB 97-Be Concurred In

## HEARING ON HB 71

### Opening Statement by Sponsor:

00:05:05 Rep. Gordon Vance (R), HD 67, opened the hearing on HB 71, Provide that illegal alien may not receive workers' comp.

### Proponents' Testimony:

00:09:11 Tim Ravndal, Constitutional Defenders, Lewis and Clark Conservative Tea Party (LCCTP)

00:10:36 Pat McCain, self

00:11:35 Roger Nummerdor, self

[EXHIBIT\(jus48a01\)](#)

### Opponents' Testimony:

00:13:08 Bruce Spencer, Property Casualty Insurance (PCI), also for Jacqueline Lenmark, American Insurance Association (AIA)

00:16:33 Brad Griffin, Montana Retail Association (MRA), Montana Restaurant Association (MRA), Montana Tire Dealers Association (MTDA)

00:18:06 Jason Miller, Chairman, Labor Management Advisory Council, Workman's Compensation Fund

00:19:18 Bob Worthington, Vice Chairman, Labor Management Advisory Council, Workman's Compensation Fund

00:20:50 Phil Maxwell, Three Rivers Cooperative, Fairfield, Montana

00:21:21 John Metropoulos, Farmers Insurance Group

00:22:18 Andrea Olsen, Montana Trial Lawyers Association (MTLA)

00:23:49 Ronda Wiggers, Helena Chamber of Commerce, Great Falls Chamber of Commerce

00:24:20 Larry Jones, Liberty Mutual Insurance, Liberty Northwest Insurance

00:24:41 Riley Johnson, National Federation of Independent Business (NFIB)

00:24:58 Niki Zupanic, American Civil Liberties Union of Montana (ACLU/MT)

00:27:17 Jamee Greer, Montana Human Rights Network (MHRN)

### Informational Testimony:

00:29:19 Nancy Butler, Montana State Fund (MSF)

00:29:45 Mark Cadwallader, Staff Attorney, Department of Labor and Industry (DL&I), State of Montana

### Questions from Committee Members and Responses:

00:30:56 Sen. Augare

00:32:35 Rep. Vance

00:34:12 Sen. Blewett

00:36:06 Ms. Zupanic

00:39:15 Sen. Essmann  
 00:39:35 Mr. Miller  
 00:41:29 Sen. Essmann  
 00:41:48 Mr. Griffin  
 00:43:40 Sen. Hinkle  
 00:44:16 Rep. Vance  
 00:44:46 Sen. Moss  
 00:45:32 Ms. Butler  
 00:47:46 Sen. Hinkle  
 00:48:16 Ms. Zupanic

**Closing by Sponsor:**

00:52:04 Rep. Vance

---

**HEARING ON HB 106**

**Opening Statement by Sponsor:**

00:56:01 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 106, Provide for a 24/7 sobriety project for impaired driving offenders.

**Proponents' Testimony:**

00:59:13 Steve Bullock, Attorney General, Department of Justice (DOJ), State of Montana  
[EXHIBIT\(jus48a02\)](#)  
[EXHIBIT\(jus48a03\)](#)  
[EXHIBIT\(jus48a04\)](#)  
 01:05:30 Kristi Blazer, Montana Beer and Wine Distributors Association (MBWDA)  
 01:07:20 Karl Pentecost, father of son, Carl Pentecost and daughter-in-law, Char, killed by drunk driver, Travis Fuqua  
 01:11:20 Leo Dutton, Sheriff, Lewis and Clark County, Helena, Montana, also for Leo Gallagher, Lewis and Clark County Attorney, Helena, Montana  
 01:15:13 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ, State of Montana  
 01:18:52 Bill Mickleson, Mickelson Consulting Group  
[EXHIBIT\(jus48a05\)](#)  
[EXHIBIT\(jus48a06\)](#)  
 01:22:14 Dexter Levandoski, Compliance Monitoring Devices, Secure Remote Alcohol Monitoring (SCRAM)  
 01:24:21 Rebecca Sturdevant, Mothers Against Drunk Drivers, (MADD), also for Kris Minard  
[EXHIBIT\(jus48a07\)](#)  
 01:27:07 Scott Twito, Yellowstone County Attorney, Billings, Montana  
 01:29:19 Jessie Luther, Association of Montana Troopers (AMT)

**Opponents' Testimony:**

None

**Informational Testimony:**

01:30:09 Vicki Turner, Prevention Resource Center, Department of Public Health and Human Services (DPHHS), State of Montana

**Questions from Committee Members and Responses:**

01:30:39 Sen. Hinkle  
01:30:59 Rep. Lavin  
01:31:21 Mr. Bullock  
01:32:08 Sen. Murphy  
01:32:27 Sheriff Dutton  
01:33:32 Mr. Levandoski

**Closing by Sponsor:**

01:34:50 Rep. Lavin

01:35:40 Sen. Murphy

(Sen. Vincent, Sen. Larsen, Sen. Essmann, and Sen. Peterson absent from room)

**EXECUTIVE ACTION ON SB 65**

01:36:53 **Motion/Vote:** Sen. Blewett moved that **HB 65 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Blewett will carry the bill.

**EXECUTIVE ACTION ON SB 97**

01:38:26 **Motion/Vote:** Sen. Shockley moved that **HB 97 BE CONCURRED IN**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Larsen, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Shockley will carry the bill.

**Committee Business:**

01:39:33 Sen. Moss  
01:39:45 Sen. Shockley

**EXHIBIT(jus48a08)**

Exhibit from Valencia Lane, Legislative Services Division (LSD) regarding HB 106 heard today, 3/3/11

**ADJOURNMENT**

Adjournment: 10:42 A.M.

---

Pam Schindler, Secretary

ps

Additional Documents:

**EXHIBIT**([jus48aad.pdf](#))