





## SENATE STANDING COMMITTEE REPORT

February 8, 2005

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 21** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Mike Wheat, Chair*

**And, that such amendments read:**

1. Title, page 1, line 6.

**Following:** "AN"

**Insert:** "EFFECTIVE DATE AND AN"

2. Page 1, line 23 through line 25.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) (a) If the evidence establishes that the chance of recovering prior to the negligent act or omission was more likely than not, the damages awarded must be 100% of the damages determined under subsection (2).

(b) If the evidence establishes that the chance of recovering prior to the negligent act or omission was not more likely than not, the damages awarded must be the difference between the chance of recovering prior to the negligent act or omission and the chance of recovering after the negligent act or omission multiplied by the total damages determined under subsection (2)."

3. Page 1, line 26.

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2005."

**ReNUMBER:** subsequent section

4. Page 1, line 27.

**Committee Vote:**

Yes 11, No 0.

311405SC.ssc

KJ

**Strike:** "malpractice claims that arise"

**Insert:** "causes of action that arise on or"

- END -



## SENATE STANDING COMMITTEE REPORT

February 8, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 316** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Mike Wheat", written over a horizontal line.

*Senator Mike Wheat, Chair*

**And, that such amendments read:**

1. Title, line 6.

**Following:** "INSURANCE"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, line 10.

**Following:** line 9

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2005."

- END -

**Committee Vote:**  
**Yes 11, No 0.**

311406SC.ssc

Handwritten initials in black ink, possibly "KJ", located in the bottom right corner of the page.



## SENATE STANDING COMMITTEE REPORT

February 8, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 352** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

  
*Senator Mike Wheat, Chair*

**And, that such amendments read:**

1. Title, line 6.

**Following:** "PROVIDING"

**Insert:** "AN EFFECTIVE DATE AND"

2. Page 1, line 17.

**Following:** line 16

**"NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2005."**

**Renumber:** subsequent section

3. Page 1, line 18.

**Following:** "arise"

**Insert:** "on or"

- END -

**Committee Vote:**

Yes 11, No 0.

311407SC.ssc



# PROXY VOTE

I, the undersigned, hereby authorize Senator W. HART to

vote my proxy on any issue before the Senate JUDICIARY

Committee held on 2/8, 2005.

SB 21  
Amendments Yes

SB 316  
Amendments YES

SB 352  
Amendments YES

Jim Kelly  
SENATOR  
STATE OF MONTANA.

DATE 2-8-05

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 319, 344, 351

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
BARRY STANG	442-6600	MMEA	SB 344		✓
JASON TODHUNTER	253-3806	MT Logging Assoc	SB 344		✓
JIM MCKEON	244-1940	DOR (Information witness)	SB 319		
SAMANTHA SANCHEZ	449-3833	SELF	SB 319	✓	
Betsy Brandborg	447-2205	MT Bar Assoc.	SB 319		

**VISITOR REGISTER**

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

YATES HOUSE BUILDING

DATE February 8, 2005  
 SENATE COMMITTEE ON Judiciary  
 BILLS BEING HEARD TODAY: SB 319, SB 344,  
SB 351

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Toy BRUCK	425-0647	AARP MONTANA	SB 351		✓
Ken CRIPPEN	523-3889	WATKINS AND SHEPARD TRUCKING	344		✓
Tylynn Gordon	444-2040	State Auditors Office	351		✓
Al Smith	439-3124	MTLA	344	X	
Dwight Hubbard	444-2912	COFF	319	Ingo	
Alison James	202-0201	self	351		✓
Gregory Higgins	2942	CAP	319	Information	
Rital Blake	442-9135	LWV	319	✓	
Greg Hester	2-0230	State Farm	351	✓	
Greg Hester	2-0230	State Farm	344		✓
Don Allen	442-7531	MTA & FA	351	✓	<del>✓</del>
John Chinn	442-883				✓
Elizabeth Gordon	444-2495	Auditor	351		

**VISITOR REGISTER**

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

STATE OF MONTANA

DATE 2-8-05

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 319, SB 344, SB 351

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Kate Cholera		MCADSV	<sup>SB</sup> 351		X
Danielle Rau	442-9476	MT Farm Bureau	SB 351	X	
EENE FENDERSON	431-6657	Progressive Labor Union	351		X
Neil Haight	443-5373	Self	319	X	
Scott Crick	443-8590	ACLU	351		X
Donna Bardash	443-2352	Self	351		X
Kim Abbott	439-8721	WEEC	351		X
Linda Grayson	431-3635	MT Q's Lobby	351		X
Jenny Kendrick	459-9440	MT Women Vote	351		X
Jenny Kendrick	459-9440	"	319	X	
Barbara Ruff	442-2405	MT Chamber	344		X
GARY FOREESTER		MT CONTRACTORS ASSN	344		X
Gerald Yenne	756-8992	SELF	344	X	

**VISITOR REGISTER**

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YENNE/050208