

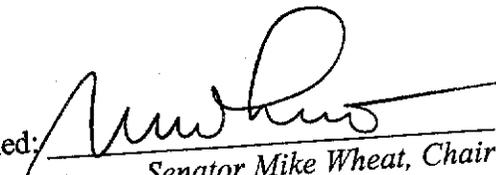


SENATE STANDING COMMITTEE REPORT

March 23, 2005
Page 1 of 12

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 331** (third reading copy -- blue) be concurred in as amended.

Signed: 
Senator Mike Wheat, Chair

To be carried by Senator Mike Wheat

And, that such amendments read:

1. Title, page 1, line 5.
Strike: "AND"

2. Title, page 1, line 6.
Strike: "ALL"
Insert: "CERTAIN"
Following: "INSURANCE"
Insert: "; PROVIDING A PROCESS FOR DETERMINING AVAILABILITY OF
MEDICAL MALPRACTICE INSURANCE; CREATING A STABILIZATION
RESERVE FUND; AND AMENDING SECTION 33-11-105, MCA"

3. Page 1, line 10.
Following: "finds that"
Insert: "if"

4. Page 1, line 12.
Strike: "and lack of affordability"

5. Page 1, line 13.
Following: "policyholder"
Insert: ", alternative programs should be employed to help ensure
that medical malpractice insurance remains available to

Committee Vote:
Yes 7, No 5.

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KA

Montana health care providers and health care facilities"

6. Page 1, line 14.
Strike: "14"
Insert: "20"

7. Page 1, line 15.
Strike: "14"
Insert: "20"

8. Page 1, line 19.
Strike: "14"
Insert: "20"

9. Page 1, line 22.
Strike: "14"
Insert: "20"

10. Page 1.
Following: line 22
Insert: "(2) "Committee" means a committee designated by the commissioner to coordinate the activities of the market assistance plan and composed of licensed insurance producers, insurers authorized to sell medical malpractice insurance in this state, and eligible surplus lines insurers."
Renumber: subsequent subsections

11. Page 1.
Following: line 23
Insert: "(4) "Market assistance plan" means a voluntary mechanism operated by a committee to assist health care providers and health care facilities to buy medical malpractice insurance when medical malpractice insurance is not reasonably available in the voluntary market."
Renumber: subsequent subsections

12. Page 1, line 28.
Following: the first "insurance"
Insert: ", excluding premiums on professional malpractice insurance and premiums written by a risk retention group as defined in 33-11-102,"

13. Page 1.

Following: line 30

Insert: "(7) 'Voluntary market' means insurers authorized to write medical malpractice insurance in this state, captive insurers authorized to write medical malpractice insurance approved by the commissioner based on financial stability of the surplus lines insurer and the cost and coverage of the medical malpractice policies available from the surplus lines insurers."

14. Page 2.

Following: line 1

Insert: "NEW SECTION. Section 3. Market review. (1) After providing notice to all insurers eligible to sell medical malpractice insurance in this state, including eligible surplus lines insurers, the commissioner shall perform a market review to determine the availability of medical malpractice insurance before implementing a market assistance plan under [section 4] or a joint underwriting association under [section 5].

(2) The commissioner shall compile a list of insurers in the voluntary market.

(3) After holding a hearing, the commissioner shall determine whether medical malpractice insurance is reasonably available pursuant to subsection (4) for:

(a) health care providers, other than health care facilities; or

(b) health care facilities.

(4) In determining whether medical malpractice insurance is reasonably available, the commissioner shall consider whether:

(a) there is a significant likelihood of a lack of available health care services to the public because of the cost or unavailability of medical malpractice insurance;

(b) a significant portion of the members of a class of health care providers:

(i) cannot obtain medical malpractice insurance from medical malpractice insurers for reasons not attributable to negligence, neglect, oversight, or willfulness of the health care providers; or

(ii) is uninsured as a result of new underwriting restrictions unrelated to the acts or omissions of the health care providers or because of the insolvency of a medical malpractice insurer."

Insert: "NEW SECTION. Section 4. Market assistance plan. (1) If the commissioner determines under [section 3] that medical malpractice insurance is not reasonably available, the commissioner shall attempt to form a market assistance plan for medical malpractice insurance before implementing a joint underwriting association under [section 5].

(2) The commissioner may establish a market assistance plan

only if the commissioner determines that there exists a sufficient number of insurers in the voluntary market willing to underwrite standard risks at adequate coverage limits.

(3) If an insurer in the voluntary market declines to participate in the market assistance plan, the insurer shall state both the business and the financial reasons for not participating in the market assistance plan.

(4) The commissioner, in consultation with the committee, shall develop a plan of operation for the market assistance plan.

(5) The market assistance plan may include a reasonable processing fee to applicants that seek medical malpractice insurance coverage through the market assistance plan.

(6) Licensed insurance producers may receive a reasonable commission for medical malpractice insurance placed in the market assistance plan. The plan of operation may allow a commission to be paid regardless of whether the producer is appointed or otherwise represents the insurer accepting the risk."

Renumber: subsequent sections

15. Page 2, lines 2 through 3.

Strike: "-- determination of" on line 2 through "insurance" on line 3

16. Page 2, line 4.

Strike: "OR"

Insert: "and"

17. Page 2, line 5.

Following: "policies"

Insert: "but excluding insurers writing professional malpractice insurance and risk retention groups"

18. Page 2, lines 10 through 13.

Following: "facilities" on line 10

Insert: ", "

Strike: ", after" on line 10 through "members" on line 13

Insert: "has conducted a market review under [section 3], determined that medical malpractice insurance is not reasonably available for health care providers, other than health care facilities, in the voluntary market, and attempted to establish a market assistance plan, and commissioner determining that the market assistance plan has not achieved reasonably available medical malpractice insurance, the commissioner shall notify the association that it"

19. Page 2, line 14.
Following: "facilities"
Strike: ", but the"
Insert: ". The"

20. Page 2, lines 17 through 19.
Following: "commissioner"
Strike: ", after" on line 17 through "authorized to" on line 19
Insert: "has conducted a market review under [section 3],
determined that medical malpractice insurance is not
reasonably available for those facilities in the voluntary
market, and attempted to establish a market assistance plan.
Upon the commissioner determining that the market assistance
plan has not achieved reasonably available medical
malpractice insurance, the commissioner shall notify the
association that it may"

21. Page 2, line 20.
Following: "facilities"
Strike: ", but the"
Insert: ". The"

22. Page 2, line 27 through page 3, line 6.
Strike: subsection (5) in its entirety

23. Page 3.
Following: line 6
Insert: "(5) The association may operate for a period of 3 years.
At the end of the 3-year period, the association must be
dissolved unless the commissioner, after notice and a
hearing, reauthorizes the operations of the association. If
the commissioner determines that adequate medical
malpractice insurance is available in the voluntary market,
the commissioner shall order the association to end its
underwriting operations and shall supervise the dissolution
of the association, including settlement of all financial
and legal obligations and distribution of any remaining
assets."

24. Page 3, line 9.
Strike: "\$3"
Insert: "\$2"

25. Page 3, line 10.
Strike: "\$9"
Insert: "\$4"

26. Page 3, line 17.
Strike: "14"
Insert: "20"

27. Page 3, line 26.
Strike: "final"

28. Page 4, line 2.
Strike: ", or by the commissioner"

29. Page 4, line 5.
Strike: "3(2)"
Insert: "5(2)"

30. Page 4, line 10.
Following: "then"
Strike: "an"
Insert: "the"
Following: "association"
Strike: "member"

31. Page 4, line 14.
Strike: "-- recoupment of deficit"

32. Page 4, line 16.
Strike: "members"
Following: "statistics"
Strike: "are subject" through "giving"
Insert: "pursuant to 33-1-501, 33-1-502, and Title 33, chapter
16, must give"

33. Page 4, line 18.
Strike: "the members of"

34. Page 4, line 19.
Strike: "members"

Insert: "association"

35. Page 4, lines 20 through 21.

Strike: "for" on line 20 through "commissioner" on line 21

36. Page 4, lines 22 through 24.

Strike: "members" on line 22 through "commissioner" on line 24
Insert: "pursuant to 33-1-501, 33-1-502, and Title 33, chapter
16"

37. Page 4, lines 25 through 29.

Strike: subsection (3) in its entirety
Renumber: subsequent subsection

38. Page 5, line 1.

Strike: "association members"
Insert: "association's"

39. Page 5.

Following: line 4

Insert: "NEW SECTION. Section 10. Recoupment of deficit and member assessments. (1) (a) If the association experiences an underwriting deficit for any year, the deficit must be recouped as provided in the plan of operation and the rating plan must contain the procedures provided for in subsections (1) (b) and (1) (c).

(b) The board of directors shall certify the underwriting deficit to the commissioner. The certification is subject to the review of the commissioner.

(c) After review of the certification, the deficit must be recouped by:

(i) first, reimbursement of the deficit in the following order:

(A) from the stabilization reserve fund, as provided in [section 11];

(B) a premium contingency assessment on the association's policyholders, as provided in [section 12], if the reimbursement in subsection (1) (c) (i) (A) is insufficient; and

(C) an assessment upon the members, as provided in [section 15], if the reimbursement in subsections (1) (c) (i) (A) and (1) (c) (i) (B) is insufficient; and

(ii) second, a premium rate increase on the association's policyholders applicable prospectively, as provided in [section 9].

(2) Reimbursements from the stabilization reserve fund and

premium contingency assessments imposed under this section and premiums collected under [sections 9 and 16] and subsection (1)(c)(ii) of this section must be sufficient to recoup all expenses of the association and to reimburse the members for all assessments imposed on them by the association."

Insert: "NEW SECTION. **Section 11. Stabilization reserve fund.**

(1) The commissioner shall establish a stabilization reserve fund.

(2) (a) Each policyholder shall pay to the association a stabilization reserve fund charge equal to 15% of each premium payment due for insurance through the association. The stabilization reserve fund charge must be stated separately in the policy and is payable with each premium payment. The association shall cancel the policy of any policyholder who fails to pay the premium stabilization reserve fund charge.

(b) The stabilization reserve fund charge does not constitute a part of the premium and is not subject to premium taxation, servicing fees, acquisition costs, commissions, or any other charges. The stabilization reserve fund charge may not be considered a premium for the purpose of any assessments levied under [section 15].

(3) (a) The association shall collect and administer the stabilization reserve fund charge. The stabilization reserve fund charge must be treated as a liability of the association along with and in the same manner as premium and loss reserves.

(b) All money received by the stabilization reserve fund must be held in trust by a corporate trustee selected by the association. The corporate trustee may invest the money held in trust, subject to the approval of the association. All investment income must be credited to the stabilization reserve fund. All expenses of administration of the stabilization reserve fund must be charged against the fund. The money held in trust may be used only for the purpose of recoupment of any deficit sustained by the association, as provided in [section 10].

(c) Collections of the stabilization reserve fund charge continue throughout each calendar year for which the fund is established. However, a charge may not be assessed:

(i) during the next succeeding calendar year if the net balance in the stabilization reserve fund after recoupment of any prior year's deficit equals or exceeds the association's estimate of the projected sum of premiums to be written in the calendar year following the valuation date of the fund; or

(ii) in any year in which a premium contingency assessment is collected, as provided in [section 12].

(4) The stabilization reserve fund charge is not refundable if the policy is canceled after the 90th day of coverage.

(5) Upon dissolution of the association as provided in [section 5(5)], the commissioner shall order that any funds remaining in the stabilization reserve fund be reimbursed to the

policyholders in proportion to the amounts of the stabilization reserve fund charges paid by the policyholders."
Renumber: subsequent sections

40. Page 5, line 7 through line 9.

Following: "year" on line 7

Strike: ", the board" on line 7 through "POLICYHOLDERS" on line 9

Insert: "and recoupment of the underwriting deficit by reimbursement, as provided in [section 10(1)(c)(i)(A)], is insufficient, each association policyholder"

41. Page 5, line 10.

Strike: "that bears"

Insert: "as provided in the plan of operation. The assessment must bear"

42. Page 5, line 13.

Following: "need not"

Insert: "defend or"

43. Page 5, lines 15 through 19.

Strike: "or policyholders" on line 15 through "ASSOCIATION" on line 19

44. Page 5, lines 20 through 21.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

45. Page 5, lines 23 through 24.

Strike: "the members of" on line 23

Strike: "shall," on line 23 through "commissioner," on line 24

Insert: "may"

Strike: "their" on line 24

Insert: "its"

Following: "accordingly." on line 24

Insert: "
(3)"

46. Page 5.

Following: line 26

Insert: "(4) The association may not collect stabilization reserve assessments, as provided in [section 11], in any year in which premium contingency assessments are collected

under this section."

47. Page 5, line 28.

Strike: "and occurrence-based policies"

Following: "The"

Insert: "association shall offer policies on a claims-made basis."

48. Page 5, lines 29 through 30.

Strike: "commissioner" on line 29 through "option." on line 30

Strike: "both" on line 30

49. Page 6, line 1.

Strike: "and occurrence-based"

Following: "basis"

Insert: "and as provided in Title 33, chapter 16"

50. Page 6.

Following: line 1

Insert: "NEW SECTION. Section 14. Risk management. (1) The association shall establish a risk management program for persons or entities insured by the association.

(2) The risk management program must include:

(a) standards for systematic investigation and reporting of claims and incidents; and

(b) a loss control program. The loss control program must include procedures for:

(i) analysis of claim frequency, severity, and causes of loss;

(ii) identification of situations that may produce large losses;

(iii) development of measures to control losses;

(iv) monitoring of the effectiveness of the loss control measures that are implemented; and

(v) education of insured health care providers and health care facilities on methods to reduce or prevent losses.

(3) The commissioner shall appoint an advisory council consisting of three health care providers and three professional insurance risk managers to provide advice to the association on risk management activities."

Renumber: subsequent sections

51. Page 6, lines 12 through 13.

Strike: "a given" on line 12 through "and the" on line 13

Insert: "any calendar year in an amount greater than 1% of the

member's net direct written premium for the preceding calendar year on policies written in this state for casualty insurance. The"

52. Page 6, line 16.

Strike: "for a"

Insert: "in any"

Strike: "their" through "policyholders"

Insert: "the member's net direct written premium for the preceding calendar year on policies written in this state for casualty insurance"

53. Page 6, line 18.

Following: "participation."

Insert: "A member may not be assessed an amount that would jeopardize that member's solvency."

54. Page 6.

Following: line 18

Insert: "NEW SECTION. Section 16. Recognition of assessments in rates. The rates and premiums charged for insurance policies to which [sections 1 through 20] apply must include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member less any amounts returned to the member by the association, and these rates may not be considered excessive because they contain an amount reasonably calculated to recoup assessments paid by the member."

Renumber: subsequent sections

55. Page 6, line 30.

Following: "insurance"

Strike: "insurer person, or insurer"

Insert: "insured health care provider or health care facility, or association member"

56. Page 7, line 8.

Strike: "any"

Insert: "that"

57. Page 7.

Following: line 12

Insert: "Section 21. Section 33-11-105, MCA, is amended to read:
"33-11-105. Compulsory associations. (1) A risk retention group may not join or contribute financially to any insurance

insolvency guaranty fund or similar mechanism in this state. In addition, a risk retention group or its insureds may not receive any benefit from any guaranty fund for claims arising out of the operations of the risk retention group.

(2) (a) Except as provided in subsection (2)(b), a risk retention group shall participate in this state's joint underwriting associations, mandatory liability pools, and similar mechanisms.

(b) A risk retention group is excluded from participating in the joint underwriting association provided for in [section 5] and related financing mechanisms.

(3) When a purchasing group obtains insurance covering its members' risks from an insurer not authorized in this state or located, may not be covered by any insurance guaranty fund or similar mechanism in this state.

(4) When a purchasing group obtains insurance covering its members' risks from an authorized insurer, only risks resident or located in this state may be covered by the state guaranty fund, subject to Title 33, chapter 10, part 1."

Renumber: subsequent section

58. Page 7, line 14.
Strike: "14"
Insert: "20"

59. Page 7, line 15.
Strike: "14"
Insert: "20"

- END -

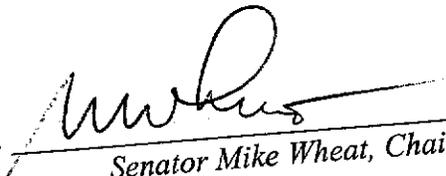


SENATE STANDING COMMITTEE REPORT

March 23, 2005
Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 385** (third reading copy -- blue) be concurred in as amended.

Signed: 
Senator Mike Wheat, Chair

To be carried by Senator Brent Cromley

And, that such amendments read:

1. Page 7, line 6.
Following: "department,"
Strike: "on either:"
Insert: "no later than"

2. Page 7, line 7.
Following: line 6
Strike: "(i)"

3. Page 7, line 9 through line 10.
Following: "States" on line 9
Strike: remainder of line 9 through "document" on line 10

- END -

Committee Vote:
Yes 9, No 3.

641354SC.ssc



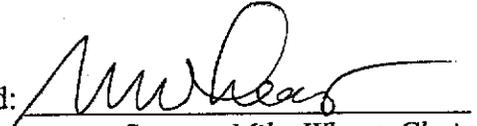
SENATE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 4

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 476** (third reading copy -- blue) be concurred in as amended.

Signed: 
Senator Mike Wheat, Chair

To be carried by Senator Jon Ellingson

And, that such amendments read:

1. Page 5, line 17.

Following: line 16

"COORDINATION SECTION. Section 9. Coordination instruction. If both Senate Bill No. 67 and [this act] are passed and approved, then the amendments to 25-1-201 in both Senate Bill No. 67 and [this act] are void and 25-1-201 must read as follows:

"25-1-201. Fees of clerk of district court. (1) The clerk of district court shall collect the following fees:

(a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, \$90; for filing a complaint in intervention, from the intervenor, \$80; for filing a petition for dissolution of marriage, \$160; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

(b) from each defendant or respondent, on appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office, \$1 a page for the first 10 pages of each file, for each request, and 50 cents for each additional page;

(ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

Committee Vote:

Yes 8, No 4.

641156SC.ssc



(g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years, and an additional \$1 for each name for any additional year searched;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license, ~~\$30~~ \$53;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, ~~\$30~~ \$53;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75.

(2) Except as provided in subsections (3) and (5) through (7), fees collected by the clerk of district court must:

~~(a) prior to July 1, 2003, be forwarded to the department of revenue for deposit in the state general fund; and~~

~~(b) after June 30, 2003, be deposited in the state general fund as specified by the supreme court administrator.~~

(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 52-7-102, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

~~(5) Through June 30, 2003, the clerk of district court shall remit to the credit of the special revenue account~~

~~established in 42-2-105 \$70 of the filing fee required in subsection (1)(g).~~

~~(6)(5)~~ Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

~~(7)(6)~~ The fees collected under subsections (1)(d), (1)(g), and (1)(j) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

(7) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without solemnization, \$13 must be deposited in the domestic violence intervention account established by [section 1 of House Bill No. 476] and \$10 must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

(8) Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not otherwise specifically allocated must be deposited in the state general fund."

"COORDINATION SECTION. Section 10. Coordination

instruction. If both Senate Bill No. 67 and [this act] are passed and approved, then the amendments to 40-1-202 in both Senate Bill No. 67 and [this act] are void and 40-1-202 must read as follows:

"40-1-202. License issuance. When a marriage application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the clerk of the district court and paid the marriage license fee of ~~\$30~~ **\$53**, the clerk of the district court shall issue a license to marry and a marriage certificate form upon being furnished:

(1) satisfactory proof that each party to the marriage will have attained the age of 18 years at the time the marriage license is effective or will have attained the age of 16 years and has obtained judicial approval as provided in 40-1-213;

(2) satisfactory proof that the marriage is not prohibited;
and

(3) a certificate of the results of any medical examination required by the laws of this state."

Insert: "COORDINATION SECTION. Section 11. Coordination

instruction. If both Senate Bill No. 67 and [this act] are passed and approved, then the amendments to 40-1-311 in both Senate Bill No. 67 and [this act] are void and 40-1-311 must read as follows:

"40-1-311. Declaration of marriage without solemnization.

(1) Persons desiring to consummate a marriage by written declaration in this state without the solemnization provided for in 40-1-301 **must shall**, prior to executing the declaration,

secure the medical certificate required by this chapter, which ~~shall~~ must be firmly attached to the declaration and ~~shall~~ must be filed by the clerk of the district court in the county where the contract was executed.

(2) A declaration of marriage must contain substantially the following:

- (a) the names, ages, and residences of the parties;
- (b) the fact of marriage;
- (c) the name of father and maiden name of mother of both parties and address of each;
- (d) a statement that both parties are legally competent to enter into the marriage contract.

(3) The declaration must be subscribed by the parties and attested by at least two witnesses and formally acknowledged before the clerk of the district court of the county.

(4) The fee for filing a declaration is ~~\$\$~~ \$53 and ~~shall~~ must be paid to the clerk at time of filing.""

Renumber: subsequent section

- END -



SENATE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 721** (third reading copy -- blue) be concurred in as amended.

Signed:


Senator Mike Wheat, Chair

To be carried by Senator Jesse Laslovich

And, that such amendments read:

1. Page 1, line 29.

Strike: "10"

Insert: "9"

2. Page 2, line 2.

Page 2, line 6.

Page 2, line 9 in two places.

Page 2, line 23.

Strike: "10"

Insert: "9"

3. Page 4, line 28.

Page 4, line 29.

Strike: "10"

Insert: "9"

4. Page 5, line 1.

Page 5, line 26.

Page 5, line 28.

Strike: "10"

Insert: "9"

5. Page 6, line 26.

Strike: "10"

Insert: "9"

Committee Vote:

Yes 12, No 0.

641157SC.ssc



6. Page 7, line 5.
Page 7, line 8.
Page 7, line 10.

Strike: "10"

Insert: "9"

7. Page 7, line 12 through line 16.
Strike: section 8 in its entirety
Renumber: subsequent sections

8. Page 7, line 18.
Page 7, line 21.
Page 7, line 24.
Page 7, line 26.

Strike: "10"

Insert: "9"

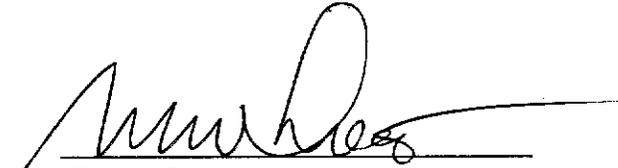
9. Page 8, line 5 through line 7.
Strike: section 14 in its entirety
Renumber: subsequent section

- END -

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED HB 304, HB 356, by motion, on **Wednesday, March 23, 2005**.



(For the Committee)



(Secretary of Senate)

12:00 13-23
(Time) (Date)

March 23, 2005

Mari Prewett, Secretary

Phone: 4697

**MONTANA STATE SENATE
2005 LEGISLATURE**

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 3/23/05 BILL NO. HB 331 NUMBER 1

MOTION: Amend HB33110. apr

NAME	AYE	NO
SEN. JERRY O'NEIL (R)	X	
SEN. LYNDA MOSS (D)	X	
SEN. JIM SHOCKLEY (R)	X	
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)	X	
SEN. JEFF MANGAN (D)	X	
SEN. DAN MC GEE (R)		X
SEN. MICHAEL WHEAT (D), CHAIRMAN	X	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)		X
SEN. JESSE LASLOVICH (D)	X	
SEN. AUBYN CURTISS (R)		X

9 3

**MONTANA STATE SENATE
2005 LEGISLATURE**

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 3/23/05 BILL NO. HB 331 NUMBER 2

MOTION: Amendment 33BD6. apm

NAME	AYE	NO
SEN. JERRY O'NEIL (R)		X
SEN. LYNDA MOSS (D)		X
SEN. JIM SHOCKLEY (R)		X
SEN. JON ELLINGSON (D)		X
SEN. GERALD PEASE (D)		X
SEN. JEFF MANGAN (D)		X
SEN. DAN MC GEE (R)	X	
SEN. MICHAEL WHEAT (D), CHAIRMAN		X
SEN. BRENT CROMLEY (D), VICE CHAIRMAN		X
SEN. GARY PERRY (R)	X	
SEN. JESSE LASLOVICH (D)		X
SEN. AUBYN CURTISS (R)	X	X

2 90

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 3/23 BILL NO. HB 331 NUMBER 3

MOTION: do concur as amendment

NAME	AYE	NO
SEN. JERRY O'NEIL (R)		X
SEN. LYNDA MOSS (D)	X	
SEN. JIM SHOCKLEY (R)		X
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)	X	
SEN. JEFF MANGAN (D)	X	
SEN. DAN MC GEE (R)		X
SEN. MICHAEL WHEAT (D), CHAIRMAN	X	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)		X
SEN. JESSE LASLOVICH (D)	X	
SEN. AUBYN CURTISS (R)		X

7 5

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 3/23/04 BILL NO. HB 385 NUMBER 1

MOTION: do concur as amended

NAME	AYE	NO
SEN. JERRY O'NEIL (R)		X
SEN. LYNDA MOSS (D)	X	
SEN. JIM SHOCKLEY (R)		X
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)	X	
SEN. JEFF MANGAN (D)	X	
SEN. DAN MC GEE (R)		X
SEN. MICHAEL WHEAT (D), CHAIRMAN	X	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)		X
SEN. JESSE LASLOVICH (D)	X	
SEN. AUBYN CURTISS (R)		X

7 5

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 3/23/05 BILL NO. HB 304 NUMBER 1

MOTION: Table

NAME	AYE	NO
SEN. JERRY O'NEIL (R)		X
SEN. LYNDA MOSS (D)	X	
SEN. JIM SHOCKLEY (R)		X
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)	X	
SEN. JEFF MANGAN (D)	X	
SEN. DAN MC GEE (R)		X
SEN. MICHAEL WHEAT (D), CHAIRMAN	X	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)		X
SEN. JESSE LASLOVICH (D)	X	
SEN. AUBYN CURTISS (R)		X

7 5

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 3/23/05 BILL NO. HB 476 NUMBER 1

MOTION: do concur as amended

NAME	AYE	NO
SEN. JERRY O'NEIL (R)		X
SEN. LYNDA MOSS (D)	X	
SEN. JIM SHOCKLEY (R)	X	
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)	X	
SEN. JEFF MANGAN (D)	X	
SEN. DAN MC GEE (R)		X
SEN. MICHAEL WHEAT (D), CHAIRMAN	X	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)		X
SEN. JESSE LASLOVICH (D)	X	
SEN. AUBYN CURTISS (R)		X

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MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 3/23/05 BILL NO. HB 611 NUMBER 1

MOTION: as amended

NAME	AYE	NO
SEN. JERRY O'NEIL (R)		X
SEN. LYNDA MOSS (D)	X	
SEN. JIM SHOCKLEY (R)		X
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)	X	
SEN. JEFF MANGAN (D)	X	
SEN. DAN MC GEE (R)		X
SEN. MICHAEL WHEAT (D), CHAIRMAN	X	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)		X
SEN. JESSE LASLOVICH (D)		X
SEN. AUBYN CURTISS (R)		X

6 6

PROXY VOTE

I, the undersigned, hereby authorize Senator WHEAT to

vote my proxy on any issue before the Senate JUDICIARY

Committee held on MARCH 23, 2005.

HB 331 - as amended - aye
HB 385 - as amended - aye
HB 304 - Table - aye
AB 476 - as amended - aye
HB 611 - as amended - aye
HB 721 - as amended - aye
HB 356 - Table - No



SENATOR
STATE OF MONTANA

HB 331	Amend. HB033101. aym Amend. HB033110. aym Amend. HB033106. aym Concur as amended	aye aye no aye
HB 385	Amend. HB038501. aym Concur as amended	aye aye
HB 304	To Table	aye
HB 476	Amend HB047601. aym Concur as Amended	aye aye
HB 611	Amend. HB061101. aym Concur as Amended	aye aye
HB 721	Amend HB072101. aym Concur as Amended	aye aye
HB 356	Amend. HB035601. aym To Table	aye No

PROXY VOTE

I, the undersigned, hereby authorize Senator WHEAT to

vote my proxy on any issue before the Senate JUDICIARY

Committee held on MARCH 23, 2005.

HB 331 - as amended - aye
HB 385 - as amended - aye
HB 304 - Table - aye
HB 476 - as amended - aye
HB 611 - as amended - aye
HB 121 - as amended - aye
HB 356 - Table - No

**SENATOR
STATE OF MONTANA**

HB 331 Amend HB033101.apm aye

Amend HB033110.apm aye

Amend HB033106.apm no

Concur as amended aye

HB 385 Amend HB038501.cvl aye

Concur as amended aye

HB 304 To Table aye

HB 476 Amend HB047601.cvl aye

Concur as amended aye

HB 611 Amend HB061101.cvl aye

Concur as amended aye

HB 721 Amend HB072101.cvl aye

Concur as amended aye

HB 356 Amend HB035601.cvl aye

To Table No

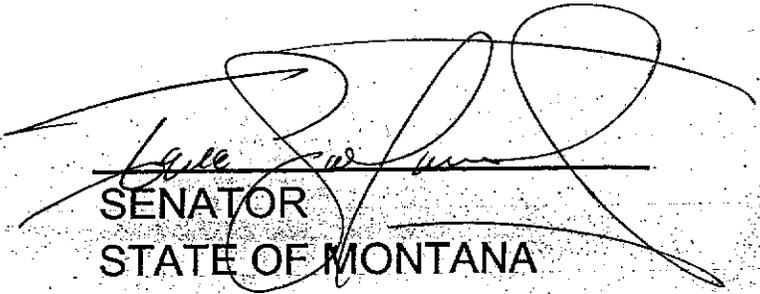
PROXY VOTE

I, the undersigned, hereby authorize Senator Wheat to

vote my proxy on any issue before the Senate Judiciary

Committee held on March 23, 2005.

HB 331 - as amended - aye
HB 385 - as amended - aye
HB 504 - Table - aye
HB 476 - as amended - aye
HB 356 - ~~as amended~~ ^{Table} - No.



SENATOR
STATE OF MONTANA

HB 354 Amend. HB 0356 01. cvl
To Table
aye
No

PROXY VOTE

I, the undersigned, hereby authorize Senator McGee to

vote my proxy on any issue before the Senate Judiciary

Committee held on 3/23/05, 2005.

HB 385-DC-N passed 7-5

HB 304-TABLE-N passed 7-5

~~HB 476-DE~~



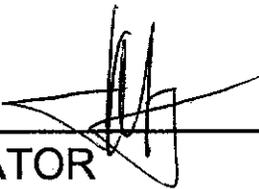
SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Wheat to

vote my proxy on any issue before the Senate JUDICIARY

Committee held on MARCH 23, 2005.



SENATOR
STATE OF MONTANA

HB 331

Amend HB033101. apm
Amend. HB033110. apm
Amend. HB033106. apm
Concur as amended

aye
aye
aye
aye

HB 385

Amend. HB038501. avl
Concur as amended

aye
aye

HB 304

To Table

aye

HB 476

Amend. HB047601. avl
Concur as amended

aye
aye

HB 611

Amend. HB061101. avl
Concur as Amended

aye
aye

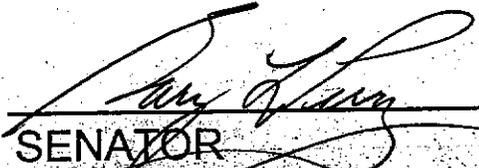
PROXY VOTE

I, the undersigned, hereby authorize Senator McGee to

vote my proxy on any issue before the Senate Jud.

Committee held on 3/23, 2005.

- HB 385 - DC - (N) passed 7-5
- HB 304 - Tabk - (N) passed 7-5
- HB 476 - DC - (N) passed 8-4
- HB 611 - DC - (N) tie 6-6
- HB 721 - DC - (Y) unanimous
- HB 356 - TABLE - (Y) 7-5



 SENATOR
 STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Wheat to

vote my proxy on any issue before the Senate Subcommittee

Committee held on March 23, 2005.

Harold Beare
SENATOR
STATE OF MONTANA

HB 331 Amend. HB033101.
Amend. HB05310.
Amend. HB03306.
Concur as Amended

HB 385 Amend. HB038521
Concur as Amended.

HB 304 To Table

HB 476 Amend. HB047601.
Concur as amended

HB 611 Amend. HB061101.
Concur as amended

HB 721 Amend. HB072101.
Concur as Amended

HB 356 Amend. HB035601.
To Table

PROXY VOTE

I, the undersigned, hereby authorize Senator McGee to
vote my proxy on any issue before the Senate Judiciary

Committee held on 3/23/05, 2005.

HB 385-DC-N passed 7-5
HB 304-TABLE-N passed 7-5
~~HB 476-DC~~



SENATOR
STATE OF MONTANA