

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By VICE CHAIRMAN AL BISHOP, on March 24, 1995, at
10:00 A.M.

ROLL CALL

Members Present:

Sen. Bruce D. Crippen, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Lorents Grosfield (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Linda J. Nelson (D)

Members Excused: SENATOR BRUCE CRIPPEN

Members Absent: None

Staff Present: Valencia Lane, Legislative Council
Judy Keintz, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:
Executive Action: HB 443

EXECUTIVE ACTION ON HB 443

Discussion: VICE CHAIRMAN BISHOP stated HB 443 was taken off the
table and REPRESENTATIVE JOHN MERCER's amendment was adopted on
page 2, line 17, and took out "AND THE EXTENT AND CAUSE OF
DAMAGES".

Motion: SENATOR SHARON ESTRADA MOVED HB 443 BE CONCURRED IN AS
AMENDED.

Substitute Motion: SENATOR RIC HOLDEN MOVED HB 443 AS AMENDED BE
TABLED.

Discussion: SENATOR SUE BARTLETT asked committee members if anyone had prepared amendments.

SENATOR LARRY BAER stated he did not know of any amendments but had been working with the insurance industry people planned to propose some remedial amendments should this bill pass the committee.

SENATOR REINY JABS commented he did not see why we needed the bill. When liability is reasonably clear, current law states the insurance company must pay.

Vote: The motion FAILED on tie vote.

Discussion: SENATOR HOLDEN stated he wanted the committee to look at the bill closely before voting on the motion. Page 2, lines 15 through 20 contain new language.

Motion: SENATOR LINDA NELSON MOVED THE PREVIOUS QUESTION.

Discussion: SENATOR BARTLETT stated she was not comfortable with the bill as currently written. She did not believe that existing law was sufficiently strong. She was unwilling to move this bill out to the floor. This bill needed to be amended in committee.

SENATOR BAER stated he urged the insurance industry to come up with amendments. He was uncomfortable with the bill in its present form.

ACTING CHAIRMAN BISHOP explained there would be plenty of opportunity to amend this bill on the floor.

Vote: The motion to move the question CARRIED with SENATORS BARTLETT, GROSFIELD and JABS voting "NO".

Vote: The motion that HB 443 BE CONCURRED IN AS AMENDED FAILED on roll call vote.

EXECUTIVE ACTION ON HB 345

Discussion: Valencia Lane commented that HB 345 was amended by the committee and that SENATOR MIKE HALLIGAN moved that it be concurred in as amended. Two committee members were not present. The votes had been turned in and the be concurred in as amended motion had failed. HB 345 stayed in committee as amended.

SENATOR HALLIGAN asked the people who voted "no" if they felt the surcharge was too high or was the problem that there were too many surcharges.

SENATOR HOLDEN stated he felt there were too many surcharges.

ADJOURNMENT

Adjournment: The meeting adjourned at 10:15 a.m.



SENATOR AL BISHOP, Vice Chairman



JUDY J. KEINTZ, Secretary

AB/jjk



MONTANA STATE SENATE

J, Bruce D. Cooper

Vote No on AB 443
"unfair claims practice"

Bruce D. Cooper

3-23-95

