

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 3, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 3, 1987, at 8:00 a.m. in Room 312-D.

ROLL CALL: All members present except for Rep. Daily who was excused.

HOUSE BILL NO. 353: Rep. Gould, District #61, sponsor, stated that this bill adds dentists to doctor-patient privilege. A dentist cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient.

SUPPORTERS: Roger Tippy, attorney, went on record in support of the bill.

Larry E. Riley, Missoula, stated that HB #353 simply inserts the word dentists into it.

NO OPPONENTS:

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 353: Rep. Addy stated that he does not feel doctor-patient privilege should apply to dentists. He asked Mr. Riley if other states have this patient privilege. Mr. Riley stated he did not know but that he had always operated with the understanding that dentists had this privilege with their patients.

Rep. Eudaily asked Mr. Riley who are health care providers. Mr. Riley explained that presently the statute reads just simply doctors and surgeons.

Rep. Gould closed the hearing by stressing the point that a dentist's records should be kept confidential.

HOUSE BILL NO. 268: Rep. Thomas, District #62, sponsor, stated the bill corrects an injustice. He explained the meaning of the word subrogation and submitted an example of how it is used (Exhibit A). The contingency fee would be taken out of only what is not subrogated.

NO PROPONENTS

OPPONENTS: Pat Melby, State Bar Association of Montana, recommends a DO NOT PASS on this bill.

Rose Skoogs, lobbyist for the Montana Defense Council, is opposed to any litigation which would interfere with the right of lawyer-client contracts.

Karl England, Trial Lawyers Association of Montana, stated that this bill does not reflect the current state of our law.

Rep. Thomas closed the hearing by stating he feels something can be done with this bill because it will make sure an injured worker gets what is coming to him.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 207: Rep. Addy moves DO PASS. Rep. Rapp-Svrcek stated that an amendment should be made on Page 1, line 23, striking "department's" through "this subsection" at beginning of line 3 on Page 2 and inserting: "department must grant or deny the claim in writing sent by certified mail within 60 days after the claim is presented to the department. Upon the department's receipt of the claim, the statute of limitations on the claim is tolled for 60 days or until the department denies the claim, whichever is less". Rep. Addy moves the amendment. Question was called and a voice vote was taken on the amendment. The amendment PASSED unanimously. Question was called and a voice vote was taken. The motion carried unanimously for a DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 353: Rep. Addy moves DO NOT PASS. Question was called and a voice vote was taken. All members voted in favor of the bill with the exception of Rep. Addy and Rep. Hannah who opposed. Motion carried for a DO PASS.

ACTION ON HOUSE BILL NO. 268: Rep. Addy moves DO NOT PASS. Question was called and Rep. Mercer made a substitute motion to table the bill. A voice vote was taken with all members voting in favor with the exception of Rep. Cobb who opposed. HB #268 was TABLED.

ACTION ON HOUSE BILL NO. 309: Rep. Giacometto moves DO PASS as amended. Question was called by Rep. Brown. A voice vote was taken and the motion carried unanimously.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 9:10 a.m.



REP. EARL LORY, Chairman

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 3, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)			✓
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

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STANDING COMMITTEE REPORT

February 3,

87

19

JUDICIARY

Mr. Speaker: We, the committee on _____

HOUSE BILL NO. 353

report _____

~~XX~~

do pass

do not pass

be concurred in

be not concurred in

as amended

statement of intent attached

Chairman

STANDING COMMITTEE REPORT

February 3,

19³⁷

JUDICIARY

Mr. Speaker: We, the committee on _____

HOUSE BILL NO. 207

report _____

do pass

do not pass

be concurred in

be not concurred in

as amended

statement of intent attached

Chairman

1. Page 1, line 22.

Strike: "department's" through "this subsection" at beginning of line 3 on page 1

Insert: "department must grant or deny the claim in writing sent by certified mail within 60 days after the claim is presented to the department. Upon the department's receipt of the claim, the statute of limitations on the claim is tolled for 60 days or until the department denies the claim, whichever is less"

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FIRST

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STANDING COMMITTEE REPORT

February 3,

1967

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 389

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

1. Page 4, line 25.
Strike: "in" through "39-71-224"
on line 1 on page 5


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STANDING COMMITTEE REPORT

February 3,

87

19

JUDICIARY

Mr. Speaker: We, the committee on _____

HOUSE BILL NO. 353

report _____

~~XX~~

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

EXHIBIT A

DATE 2-3-87

HB # 268

John Doe is driving during work shift. He is hit and hurt in an auto accident. He submits his medical bills and wage loss to Workman's Compensation. They pay him. John retains a lawyer to settle with the individual that hit him. The responsible parties insurance company settles with John. The settlement is approximately \$50,000. He pays his lawyer 30 percent (\$15,000). Then Workman's Compensation subrogate against him and gets back what they paid him \$19,000. The injured worker thus receives \$16,000.

With HB 268, John would have received \$21,700.

John Doe receives	\$16,000
Lawyer receives	\$15,000

STANDING COMMITTEE REPORT

February 3,

19 87

JUDICIARY

Mr. Speaker: We, the committee on _____

HOUSE BILL NO. 207

report _____

XX
 do pass
 do not pass

be concurred in
 be not concurred in

XX
 as amended
 statement of intent attached

Chairman

1. Page 1, line 23.

Strike: "department's" through "this subsection" at beginning of line 3 on page 2

Insert: "department must grant or deny the claim in writing sent by certified mail within 60 days after the claim is presented to the department. Upon the department's receipt of the claim, the statute of limitations on the claim is tolled for 60 days or until the department denies the claim, whichever is less"

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STANDING COMMITTEE REPORT

February 3,

1937

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 309


do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

1. Page 4, line 25.
Strike: "in" through "39-71-224"
on line 1 on page 5


FIRST reading copy (WHITE)
color

STANDING COMMITTEE REPORT

February 3,

67

19

JUDICIARY

Mr. Speaker: We, the committee on _____

HOUSE BILL NO. 353

report _____

XX

do pass

be concurred in

as amended

do not pass

be not concurred in

statement of intent attached

Chairman

John Doe is driving during work shift. He is hit and hurt in an auto accident. He submits his medical bills and wage loss to Workman's Compensation. They pay him. John retains a lawyer to settle with the individual that hit him. The responsible parties insurance company settles with John. The settlement is approximately \$50,000. He pays his lawyer 30 percent (\$15,000). Then Workman's Compensation subrogate against him and gets back what they paid him \$19,000. The injured worker thus receives \$16,000.

With HB 268, John would have received \$21,700.

John Doe receives	\$16,000
Lawyer receives	\$15,000

VISITORS' REGISTER

Judiciary

COMMITTEE

BILL NO # 353

DATE Feb. 3, 1987

SPONSOR Spald

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
LARRY E. RILEY	MISSOULA		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.