

HOUSE BILL NO. 419

INTRODUCED BY MERCER, PINSONEAULT, STRIZICH  
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

JANUARY 28, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

JANUARY 29, 1991                   FIRST READING.

FEBRUARY 5, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 6, 1991                   PRINTING REPORT.

FEBRUARY 8, 1991                   SECOND READING, DO PASS.

FEBRUARY 9, 1991                   ENGROSSING REPORT.

FEBRUARY 11, 1991                  THIRD READING, PASSED.  
AYES, 99; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1991                  INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

FIRST READING.

MARCH 20, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 22, 1991                   ON MOTION, CONSIDERATION PASSED  
UNTIL THE 63RD LEGISLATIVE DAY.

MARCH 23, 1991                   SECOND READING, CONCURRED IN.

MARCH 25, 1991                   THIRD READING, CONCURRED IN.  
AYES, 48; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991                   RECEIVED FROM SENATE.

APRIL 9, 1991

SECOND READING, AMENDMENTS  
CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *419*  
 2 INTRODUCED BY *Mace* *Liannakis*  
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE  
 6 REQUIREMENT THAT THE DEPARTMENT OF ADMINISTRATION MAIL CLAIM  
 7 GRANTS AND DENIALS BY CERTIFIED MAIL; REQUIRING THAT CLAIM  
 8 PAYMENTS BE SENT BY CERTIFIED MAIL; AMENDING SECTION  
 9 2-9-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 2-9-301, MCA, is amended to read:

13 "2-9-301. Filing of claims against state and political  
 14 subdivisions -- disposition by state agency as prerequisite.

15 (1) All claims against the state arising under the  
 16 provisions of parts 1 through 3 of this chapter must be  
 17 presented in writing to the department of administration.

18 (2) A complaint based on a claim subject to the  
 19 provisions of subsection (1) may not be filed in district  
 20 court unless the claimant has first presented the claim to  
 21 the department of administration and the department has  
 22 finally denied the claim. The department must grant or deny  
 23 the claim in writing ~~sent-by-certified-mail~~ within 120 days  
 24 after the claim is presented to the department. Payments  
 25 must be sent by certified mail. The failure of the

1 department to make final disposition of a claim within 120  
 2 days after it is presented to the department must be  
 3 considered a final denial of the claim for purposes of this  
 4 subsection. Upon the department's receipt of the claim, the  
 5 statute of limitations on the claim is tolled for 120 days.  
 6 The provisions of this subsection do not apply to claims  
 7 that may be asserted under Title 25, chapter 20, by  
 8 third-party complaint, cross-claim, or counterclaim.

9 (3) All claims against a political subdivision arising  
 10 under the provisions of parts 1 through 3 shall be presented  
 11 to and filed with the clerk or secretary of the political  
 12 subdivision."

13 NEW SECTION. **Section 2.** Effective date. [This act] is  
 14 effective on passage and approval.

-End-



APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 419  
2 INTRODUCED BY MARCE LINDENBAUM  
3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

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 2 INTRODUCED BY *Marcus L. Williams*  
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13 **NEW SECTION. Section 2.** Effective date. [This act] is  
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-End-


SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 20, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 419 (third reading copy -- blue), respectfully report that House Bill No. 419 be amended and as so amended be concurred in:

1. Title, lines 7 and 8.  
Following: "MAIL;" on line 7  
Strike: remainder of line 7 through "MAIL;" on line 8
2. Title, line 9.  
Following: "DATE"  
Insert: "AND AN APPLICABILITY DATE"
3. Page 1, lines 24 and 25.  
Following: "department." on line 24  
Strike: remainder of line 24 through "mail." on line 25
4. Page 2, line 13.  
Following: "date"  
Insert: "-- applicability"
5. Page 2, line 14.  
Following: "approval"  
Insert: "and applies to all claims submitted on or after [the effective date of this act]"

Signed:   
Richard Pinsoneault, Chairman

LB 3/20/91  
Amd. Coord.

SB 3/20 1:25  
Sec. of Senate

HB 419

SENATE

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14 NEW SECTION. Section 2. Effective date --  
 15 APPLICABILITY. [This act] is effective on passage and  
 16 approval AND APPLIES TO ALL CLAIMS SUBMITTED ON OR AFTER  
 17 [THE EFFECTIVE DATE OF THIS ACT].

-End-

