

MINUTES OF THE MEETING
RULES COMMITTEE
March 27, 1981

The Senate Rules Committee met Friday, March 27, 1981 in Room 331 of the State Capitol. Senator Stan Stephens, Chairman, called the meeting to order at 11:40 a.m.

ROLL CALL

All members were present except Senator Graham.

ACTION TAKEN ON H.B. 813

"TO CLARIFY THAT EMPLOYEES OF GOVERNMENTAL ENTITIES ARE IMMUNE FROM EXEMPLARY AND PUNITIVE DAMAGES".

House Bill 813 was moved into Rules from Second Reading debate to make a determination on whether it requires a simple majority vote or a two-thirds vote.

Senator Turnage stated that he feels the bill falls within the purview of Section 18 of the Montana Constitution which states:

"State subject to suit. The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property, except as may be specifically provided by law by a 2/3 vote of each house of the legislature."

Senator Anderson explained the rationale of the Senate Judiciary Committee in amending out ELECTED OFFICIALS and inserting SCHOOL DISTRICT TRUSTEES. He stated that school districts have been having difficulty finding quality candidates to run for school board elections because of the absence of sovereign immunity.

Several examples were cited to the contrary from other witnesses at the meeting.

Senator Anderson mentioned that Chad Smith was the principle sponsor of the amendment on behalf of the School Boards Association.

Senator Turnage read from the present statute (27-1-122. Exemplary damages allowed. In any action for a breach of an obligation not arising from contract where the defendant has been guilty of oppression, fraud, or malice, actual or presumed, the jury, in addition to the actual damages, may give damages for the sake of example and by way of punishing the defendant). He stated that in his opinion the vote would need a 2/3 margin on Third Reading.

Senator Norman moved that the Rules Committee take the position


Senate Rules Committee

March 27, 1981

Page -2-

that it takes a simple majority vote on second reading and a 2/3 vote on third reading. Motion carried.

Meeting adjourned at 11:55 a.m.



Stan Stephens, Chairman

A/B. 813

ROLL CALL

RULES

COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3-27

NAME	PRESENT	ABSENT	EXCUSED
Stan Stephens, Chairman	✓		
Frank Hazelbaker, V. Chrm.			
Jean Turnage			
Allen Kolstad	✓		
Ed Smith	✓		
Jack Galt			
Chet Blaylock			
Bill Norman			
Carol Graham			
Paul Boylan			

Each day attach to minutes.

the request of the President, and without objection, the
motion prevailed. Order of business No. 1.

REPORTS OF STANDING COMMITTEES

Senator Turnage reported that the Rules Committee took the
position that it takes a 2/3 vote on third reading and a simple
majority on second reading on the question of House Bill 613.

DO PASS

Report adopted