MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 29, 1986

The eighth meeting of the Senate Judiciary Committee
for the 49th Second Special Session was called to
order at 6:00 P.M. on March 29, 1986, by Chairman
Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

ACTION ON SB 12: Senator Mazurek explained that
when we incorporated Representative Bardanouve's
language, which is contained in amendments numbered
4 and 5, that because of the structure of this bill
that we could reimpose sovereign immunity by majority
but to limit compensatory damage it would require a
two-thirds vote. Because of this, Senator Mazurek
made a motion that SB 12 be returned to committee to
reconsider the action adopted by the committee.
The motion carried unanimously.

Senator Towe made a motion to amend SB 12 on page 3,
line 12, to say "A law imposing immunity from suit or"
to deal with the problem outlined by Senator Mazurek.
This would change amendment number 6 in the attached
Exhibit 1.

Senator Mazurek said this would insure that the legislature
could not impose immunity from suit without a two-thirds
vote of each house.

The motion carried with a vote of 9-1. Senator Shaw
was opposed to the motion.

Senator Towe made a motion that the bill DO PASS AS AMENDED.
The motion passed with a vote of 6-4. See attached
Roll Call Vote sheet.

The meeting adjourned at 6:05 P.M.

_____
                COMMITTEE CHAIRMAN

Amendments to SB 12, introduced (white) copy.

1.   Title, line 5.
Following: "MONTANA"
Strike: "AMENDMENTS"
Insert: "AN AMENDMENT"

2.   Title, line 9.
Following: "PROCEEDINGS;"
Insert: "REQUIRING A TWO-THIRDS VOTE OF EACH HOUSE OF THE
      LEGISLATURE TO ESTABLISH A MAXIMUM DOLLAR AMOUNT OF
      COMPENSATORY DAMAGES;"

3.   Page 2, line 23.
Following: "proceeding."
Insert: "A law establishing a maximum dollar amount of
      compensatory damages that may be recovered for injuries may
      not be enacted except by a two-thirds vote of each house of
      the legislature."

4.   Page 3, line 2.
Following: "The"
Insert: "extent of civil liability and provisions governing
      immunity or nonimmunity from suit for the"

5.   Page 3, lines 3 and 4.
Following: "be" on line 3
Strike: the remainder of line 3 through "property" on line 4
Insert: "as provided by law"

6.   Page 3, line 12.
Following: "(1)."
Insert: "A law establishing a maximum dollar amount of
      compensatory damages that may be recovered for injuries may
      not be enacted except by a two-thirds vote of each house of
      the legislature."

7.   Page 3, line 23.
Following: "entities"
Insert: ", but requiring a two-thirds vote of each house to set
      a maximum dollar amount of compensatory damages which may be
      recovered"

8.   Page 4, line 2.
Following: "entities"
Insert: ", but requiring a two-thirds vote of each house to set
      a maximum dollar amount of compensatory damages which may be
      recovered"

JUDICIARY COMMITTEE

48th LEGISLATIVE SESSION -- 1985   Date 3-29-86

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	✓		
Senator Bob Brown	✓		
Senator Bruce Crippen	✓		
Senator Jack Galt	✓		
Senator R.J. Pinsoneault	✓		
Senator James Shaw	✓		
Senator Tom Towe	✓		
Senator William Yellowtail, Jr.	✓		
Vice Chairman Senator M. K."Kermit" Daniels	✓		
Chairman Senator Joe Mazurek	✓		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date March 29, 1986 Bill No. SB 12 Time 6:04 P.M.

NAME	YES	NO
Senator Chet Blaylock	X	
Senator Bob Brown		X
Senator Bruce D. Crippen		X
Senator Jack Galt		X
Senator R. J. "Dick" Pinsoneault	X	
Senator James Shaw		X
Senator Thomas E. Towe	X	
Senator William P. Yellowtail, Jr.	X	
Vice Chairman Senator M. K. "Kermit" Daniels	X	
Chairman Senator Joe Mazurek	X	

Aggie Hamilton
Secretary

Senator Joe Mazurek
Chairman

Motion: Senator Towe's motion that SB 12 DO PASS AS AMENDED.

The motion passed with a vote of 6-4.

STANDING COMMITTEE REPORT

March 29, ... 19 86

MR. PRESIDENT

We, your committee on .... JUDICIARY ....

having had under consideration .... Senate Bill .... No. 12

first _____ reading copy (**white**)

color

LEGISLATIVE AUTHORITY FOR PRIVATE AND PUBLIC LIABILITY LIMITS

Respectfully report as follows: That .... Senate Bill .... No. 12

be amended as follows:

1. Title, line 5.
Following: "MONTANA"
Strike: "AMENDMENTS"
Insert: "AN AMENDMENT"

2. Title, line 9.
Following: "PROCEEDINGS;"
Insert: "REQUIRING A TWO-THIRDS VOTE OF EACH HOUSE OF THE
LEGISLATURE TO ESTABLISH A MAXIMUM DOLLAR AMOUNT OF
COMPENSATORY DAMAGES;"

3. Page 2, line 23.
Following: "proceeding."
Insert: "A law establishing a maximum dollar amount of
compensatory damages that may be recovered for injuries may
not be enacted except by a two-thirds vote of each house of
the legislature."

4. Page 3, line 2.
Following: "The"
Insert: "extent of civil liability and provisions governing
immunity or nonimmunity from suit for the"

~~XXXXX~~
~~661A9~~S

~~XXXXIXX~~
~~661A91+A~~6

(continued) ....
.... Chairman.

5.   Page 3, lines 3 and 4.
Following: "be" on line 3
Strike: the remainder of line 3 through "property" on line 4
Insert: "as provided by law"

6.   Page 3, line 12.
Following: "(1)."
Insert: "A law imposing immunity from suit or establishing a
    maximum dollar amount of compensatory damages that may be
    recovered for injuries may not be enacted except by a
    two-thirds vote of each house of the legislature."

7.   Page 3, line 23.
Following: "entities"
Insert: ", but requiring a two-thirds vote of each house to set
    a maximum dollar amount of compensatory damages which may be
    recovered"

8.   Page 4, line 2.
Following: "entities"
Insert: ", but requiring a two-thirds vote of each house to set
    a maximum dollar amount of compensatory damages which may be
    recovered"

AND AS AMENDED DO PASS

Senator Joe Mazurek, Chairman