

HOUSE JOINT RESOLUTION NO. 55

INTRODUCED BY SPAETH, RAMIREZ, HARBIN, BERGENE, THOMAS,
HARP, KITSELMAN, ADDY, HANNAH, DARKO, FRITZ, D. BROWN,
COBB, PATTERSON, SCHULTZ, WALDRON, KADAS, KRUEGER, WINSLOW,
PAVLOVICH, ABRAMS, JANET MOORE, HOWE, HOLLIDAY, MERCER,
PHILLIPS, BRADLEY, CONNELLY, SANDS, O'HARA, KEYSER

IN THE HOUSE

| | |
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| April 10, 1985 | Introduced and referred to Committee on Judiciary. |
| April 12, 1985 | On motion by Chief Sponsor, Representative Keyser added as sponsor. Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks. |
| April 13, 1985 | Second reading, do pass. |
| April 15, 1985 | Considered correctly engrossed. |
| April 16, 1985 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

| | |
|----------------|---|
| April 17, 1985 | Introduced and referred to Committee on Judiciary. |
| April 19, 1985 | Committee recommend bill be concurrred in. Report adopted. |
| April 22, 1985 | Second reading, concurrred in. |

April 23, 1985

Third reading, concurred in.
Ayes, 37; Noes, 12.

Returned to House.

IN THE HOUSE

April 23, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE JOINT RESOLUTION NO. 55
 2 INTRODUCED BY Berggren Spauld Ramirez Harkin
 3 Thomas HARP Kitselman Adel Hannah Narkeo
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF Fitz
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
 6 INTERIM STUDY OF GOVERNMENT'S IMMUNITY FROM SUIT AND LIMITS
 7 OF LIABILITY FOR THE STATE OF MONTANA AND ITS POLITICAL Parsons
 8 SUBDIVISIONS; REQUIRING A REPORT OF THE FINDINGS TO THE Shultz
 9 LEGISLATURE. Kadva Winkler Radwin Jane More
 10 Waldron KRUEGER Abraham Trilling Howe
 11 WHEREAS, Article II, section 18, of the Montana Merce
 12 Constitution authorizes the reinstatement of immunity from Shilly
 13 suit in specified instances by a two-thirds vote of each Boedta
 14 house of the Legislature; and Coyne
 15 WHEREAS, the Legislature passed Chapter 189, Laws of Shilly
 16 1977, creating limits of liability for state and local Boedta
 17 governments of \$300,000 per claimant and \$1,000,000 per O'Hara
 18 occurrence and banning recovery of noneconomic damages
 19 against such entities; and
 20 WHEREAS, the ban on recovery of noneconomic damages was
 21 declared unconstitutional by the Montana Supreme Court in
 22 Karla White v. State of Montana, and the dollar limitations
 23 referenced above were also invalidated as nonseverable; and
 24 WHEREAS, the 48th Legislature reenacted the \$300,000
 25 per claimant, \$1,000,000 per occurrence limitations in

1 Chapter 675, Laws of 1983, and further affirmed the findings
 2 of the report of the subcommittee on judiciary contained in
 3 the interim study of limitations on the waiver of sovereign
 4 immunity issued in December 1976; and
 5 WHEREAS, the expansion of common law theories of
 6 recovery against the state, together with increasing
 7 payments to injured claimants, has caused considerable
 8 public interest in governmental liability limits.
 9
 10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 11 OF REPRESENTATIVES OF THE STATE OF MONTANA:
 12 That an appropriate interim committee be assigned to
 13 study:
 14 (1) the adequacy of the existing \$300,000 per
 15 claimant, \$1,000,000 per occurrence limits of liability for
 16 the state and its political subdivisions;
 17 (2) alternative immunities that might be enacted for
 18 specific high-risk activities;
 19 (3) the available means of payment of liability
 20 claims, including but not limited to insurance,
 21 self-insurance, risk pooling, and legislative
 22 appropriations.
 23 BE IT FURTHER RESOLVED, that the committee report the
 24 findings of the study to the 50th Legislature and, if
 25 necessary, draft legislation to implement its



INTRODUCED BILL
 HJR 55

LC 1941/01

1 recommendations.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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23 (3) the available means AND COSTS of payment of
 24 liability claims, including but not limited to insurance,
 25 self-insurance, EXCESS UMBRELLA INSURANCE COVERAGE, risk



HJR 0055/02

1 pooling, and legislative appropriations.

2 BE IT FURTHER RESOLVED, that the committee report the
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HJR 0055/03

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-End-