

FINAL STATUS

SB 1      INTRODUCED BY HALLIGAN, ET AL.  
          AMEND CONSTITUTION TO ALLOW LEGISLATURE TO LIMIT  
                    PRIVATE ENTITY LIABILITY  
          BY REQUEST OF GOVERNOR

3/24    INTRODUCED  
3/24    REFERRED TO JUDICIARY  
3/24    HEARING  
3/27    TAKEN FROM COMMITTEE                      28 22  
                AND PLACED ON 2ND READING  
3/27    2ND READING PASS AS AMENDED              25 25  
3/27    3RD READING NOT PASSED                    25 25

          TRANSMITTED TO HOUSE  
3/27    REFERRED TO JUDICIARY  
3/28    HEARING  
3/28    COMMITTEE REPORT-BILL CONCURRED  
3/28    2ND READING NOT CONCURRED AS AMENDED    51 49  
          (BILL NOT SENT TO 3RD READING)  
          (BILL TO AMEND CONSTITUTION FAILED TO  
          RECEIVE REQUIRED 2/3 VOTE OF LEGISLATURE)  
          BILL KILLED

CONSTITUTIONAL AMENDMENT

1                    SENATE BILL NO. 1  
2    INTRODUCED BY HALLIGAN, CHRISTIAENS  
3                    BY REQUEST OF THE GOVERNOR  
4  
5    A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE  
6    QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II,  
7    SECTION 16, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE  
8    LEGISLATURE MAY IMPOSE MONETARY LIMITS ON LIABILITY IN CIVIL  
9    LAW SUITS FOR INJURY TO PERSON, PROPERTY, OR CHARACTER; AND  
10   PROVIDING AN EFFECTIVE DATE."  
11  
12   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
13        Section 1. Article II, section 16, of the Constitution  
14   of the State of Montana is amended to read:  
15        "Section 16. The administration of justice. (1) Courts  
16   of justice shall be open to every person, and speedy remedy  
17   afforded for every injury of person, property, or character.  
18        (2) No person shall be deprived of this full legal  
19   redress for injury incurred in employment for which another  
20   person may be liable except as to fellow employees and his  
21   immediate employer who hired him if such immediate employer  
22   provides coverage under the Workmen's Compensation Laws of  
23   this state.  
24        (3) ~~The legislature, by a two-thirds vote of each~~  
25   ~~house, may impose monetary limits on this full legal redress~~

1   ~~for injury of person, property, or character. Damage awards~~  
2   ~~within such limits constitute the full legal redress~~  
3   ~~available under this section and do not deny equal~~  
4   ~~protection of the laws under Article II, section 4.~~  
5        (4) Right and justice shall be administered without  
6   sale, denial, or delay."  
7        NEW SECTION. Section 2. Effective        date. This  
8   amendment is effective on approval by the electorate.  
9        NEW SECTION. Section 3. Submission to electorate.  
10   This amendment shall be submitted to the electors of Montana  
11   at the general election to be held in November 1986 by  
12   printing on the ballot the full title of this act and the  
13   following:  
14        ☐ FOR allowing the legislature to set monetary limits  
15   on recoveries in civil lawsuits.  
16        ☐ AGAINST allowing the legislature to set monetary  
17   limits on recoveries in civil lawsuits.

-End-

CONSTITUTIONAL AMENDMENT

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 1

INTRODUCED BY HALLIGAN, CHRISTIAENS

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 16, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE LEGISLATURE MAY IMPOSE MONETARY LIMITS ON LIABILITY IN CIVIL LAW--SUITS--FOR--INJURY--TO--PERSON,--PROPERTY,--OR--CHARACTER ESTABLISH, LIMIT, OR MODIFY REMEDIES, CLAIMS FOR RELIEF, OR DAMAGES IN CIVIL PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, THE LEGISLATURE HISTORICALLY HAS PRESCRIBED THE PUBLIC POLICY GOVERNING THE FORM AND SUBSTANCE OF CIVIL PROCEEDINGS; AND

WHEREAS, THE LEGISLATURE HISTORICALLY BELIEVED THAT ITS STATUTES IN THIS AREA WERE REVIEWABLE UNDER AN EQUAL PROTECTION ANALYSIS USING THE RATIONAL BASIS TEST; AND

WHEREAS, THE MONTANA SUPREME COURT IN RECENT DECISIONS DETERMINED THAT THE MONTANA CONSTITUTION REQUIRES THAT STATUTES IN THIS AREA ARE REVIEWABLE UNDER THE STRICT SCRUTINY TEST; AND

WHEREAS, THE LEGISLATURE FINDS A PUBLIC INTEREST IN RESTORING THE POWER TO THE LEGISLATURE TO PRESCRIBE THE FORM

AND SUBSTANCE OF CIVIL PROCEEDINGS SUBJECT TO REVIEW UNDER THE RATIONAL BASIS TEST.

THEREFORE, IT IS THE INTENT OF THE LEGISLATURE TO REFER THIS CONSTITUTIONAL AMENDMENT TO THE PEOPLE OF THE STATE IN ORDER TO RESTORE THE HISTORICAL POWER OF THE LEGISLATURE TO PRESCRIBE THE FORM AND SUBSTANCE OF CIVIL PROCEEDINGS.

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

Section 1. Article II, section 16, of the Constitution of the State of Montana is amended to read:

"Section 16. The administration of justice. (1) Courts of justice shall be open to every person, and speedy remedy afforded for every injury of person, property, or character.

(2) No person shall be deprived of this full legal redress for injury incurred in employment for which another person may be liable except as to fellow employees and his immediate employer who hired him if such immediate employer provides coverage under the Workmen's Compensation Laws of this state.

(3) The legislature, by a two-thirds vote of each house, may impose monetary limits on this full legal redress for injury of person, property, or character. Damage awards within such limits constitute the full legal redress available under this section and do not deny equal protection of the laws under Article II, section 4.

1       (3) THE LEGISLATURE MAY ENACT LAWS ESTABLISHING,  
2 LIMITING, OR MODIFYING REMEDIES, CLAIMS FOR RELIEF, OR  
3 DAMAGES IN ANY CIVIL PROCEEDING. MONETARY LIMITS ON THE  
4 AMOUNT OF COMPENSATORY DAMAGES THAT MAY BE RECOVERED FOR  
5 INJURIES MAY NOT BE IMPOSED EXCEPT BY A TWO-THIRDS VOTE OF  
6 EACH HOUSE.

7       (4) Right and justice shall be administered without  
8 sale, denial, or delay."

9       NEW SECTION. Section 2. Effective       date.       This  
10 amendment is effective on approval by the electorate.

11       NEW SECTION. Section 3. Submission to electorate.  
12 This amendment shall be submitted to the electors of Montana  
13 at the general election to be held in November 1986 by  
14 printing on the ballot the full title of this act and the  
15 following:

16       ☐ FOR allowing the legislature to ~~set-monetary--limits~~  
17 ~~on-recoveries-in-civil-lawsuits~~ ESTABLISH, LIMIT, OR  
18 MODIFY REMEDIES, CLAIMS FOR RELIEF, OR DAMAGES IN  
19 CIVIL PROCEEDINGS.

20       ☐ AGAINST allowing the legislature to ~~set--monetary~~  
21 ~~limits--on--recoveries--in-civil-lawsuits~~ ESTABLISH,  
22 LIMIT, OR MODIFY REMEDIES, CLAIMS FOR RELIEF, OR  
23 DAMAGES IN CIVIL PROCEEDINGS.

-End-

# COMMITTEE OF THE WHOLE AMENDMENT

3/28/86

DATE

7:20 p.m.

TIME

MR. CHAIRMAN: I MOVE TO AMEND SENATE BILL 1

3rd reading copy ( blue ) as follows:  
Color

1. Page 3, line 3.

Following: "PROCEEDING"

Strike: ""MONETARY" through "THE"

Insert: "A law establishing a maximum dollar"

2. Page 3, line 5.

Strike: "IMPOSED"

Insert: "ENACTED"

ADOPT

REJECT



Rep. Brown