HOUSE BILL NO. 478

INTRODUCED BY THOMAS, MEYERS, BRANDEWIE, HOFMAN, COMPTON, SWYSGOOD, SEVERSON, BISHOP, HIRSCH, HOLLIDAY, BECK, HARDING, STRATFORD, HAYNE, LYBECK, WEEDING, THAYER, GIACOMETTO, HANSON, DEVLIN, THOFT, MENKE, KELLER, O'CONNELL, GILBERT, DONALDSON, SWIFT, STANG, MANUEL, NATHE, MARKS, SQUIRES, DEMARS, HOFFMAN, POFF, KOEHNKE, PATTERSON

IN THE HOUSE

JANUARY 27, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 21, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 23, 1987	PRINTING REPORT.
FEBRUARY 24, 1987	SECOND READING, DO PASS.
	ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY.
	THIRD READING, PASSED. AYES, 89; NOES, 11.
	TRANSMITTED TO SENATE.
IN	THE SENATE
MARCH 2, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 27, 1987	ON MOTION, TAKEN FROM COMMITTEE ON JUDICIARY, AS AMENDED, AND PLACED ON SECOND READING.
MARCH 30, 1987	SECOND READING, CONCURRED IN.
	ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY.

MARCH 30, 1987

THIRD READING, CONCURRED IN. AYES, 47; NOES, 3.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS

CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

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HOUSE BILL NO. 478 Couptin

2 INTRODUCED BY MANU WARRENT TO SEE THE STATE OF THE SECONDARY SEED DISTRICTS

BY THE TOR AN ACT ENTITLED: "AN ACT GRANTING WEED DISTRICTS WITHOUT FOR NEGLIGENT ACTS; LIMITING

6 NONECONOMIC DAMAGES RECOVERABLE FROM A WEED DISTRICT; AND

7 AMENDING SECTION 27-1-701, MCA."

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FOR A WEED DISTRICT; AND

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

10 NEW SECTION. Section 1. Liability restrictions.

- (1) A district is immune from liability for negligent acts other than those constituting gross negligence.
- (2) In cases of gross negligence or willful acts, a district is liable for economic damages within the limits established under 2-9-108. A district is not liable for noneconomic damages in excess of \$10,000.
- (3) The provisions of 2-9-305 apply to board members, supervisors, and employees of a district.
- Section 2. Section 27-1-701, MCA, is amended to read:

 "27-1-701. Liability for negligence as well as willful acts. Everyone Except as otherwise provided by law, everyone is responsible not only for the results of his willful acts but also for an injury occasioned to another by his want of ordinary care or skill in the management of his property or person except so far as the latter has willfully or by want

of ordinary care brought the injury upon himself."

NEW SECTION. Section 3. Codification instruction.

Section 1 is intended to be codified as an integral part of

Title 7, chapter 22, part 21, and the provisions of Title 7,

chapter 22, part 21, apply to section 1.

NEW SECTION. Section 4. Two-thirds vote. Because section 1 grants limited immunity from suit for weed districts, a two-thirds vote of the members of each house of the legislature is required for passage under Article II, section 18, of the Montana constitution.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB478, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill would grant weed districts immunity from liability for negligent acts; limit non-economic damages recoverable from a weed district; and amending section 27-1-701, MCA.

FISCAL IMPACT:

There will be no fiscal impact.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

It is estimated that the amount of liability insurance premium paid by weed control districts will decrease.

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

FRED THOMAS, PRIMARY SPONSOR

Fiscal Note for HR478, as introduced

HB 478

50th Legislature

HB 0478/02

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+ SECTIONS 1 AND 2.

APPROVED BY COMMITTEE ON JUDICIARY

-	NOOSE BIBL NO. 476
2	INTRODUCED BY THOMAS, MEYERS, BRANDEWIE, HOFMAN, COMPTON,
3	SWYSGOOD, SEVERSON, BISHOP, HIRSCH, HOLLIDAY, BECK, HARDING,
4	STRATFORD, HAYNE, LYBECK, WEEDING, THAYER, GIACOMETTO,
5	HANSON, DEVLIN, THOFT, MENKE, KELLER, O'CONNELL, GILBERT,
6	DONALDSON, SWIFT, STANG, MANUEL, NATHE, MARKS, SQUIRES,
7	DEMARS, HOFFMAN, POFF, KOEHNKE, PATTERSON
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9	A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING WEED DISTRICTS
10	IMMUNITY FROM LIABILITY FOR NEGLIGENT ACTS; b*M***********************************
11	NONECONOMICDAMAGESRECOVERABLEFROMAWEEDDISTRICT
12	REQUIRING WEED DISTRICTS TO MAKE INFORMATION ON HERBICIDES
13	AVAILABLE TO THE PUBLIC AND TO PERSONS USING HERBICIDES; AND
14	AMENDING SECTION 27-1-701, MCA; AND PROVIDING APPLICABILITY
15	AND EFFECTIVE DATES."
16	
17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18	NEW SECTION. Section 1. Liability restrictions.
19	(1) A district, AS DEFINED IN 7-22-2101, is immune from
20	liability for negligent acts other than those constituting
21	gross negligence.
22	(2)Incasesofgross-negligence-or-willful-acts,-a
23	district-is-liable-for-economic-damageswithinthelimits
24	establishedunder2-9-100Adistrictis-not-liable-for
25	noneconomic-damages-in-excess-of-SiG-AAA-

1	(3) The provisions of 2-9-305 apply to board members,
2	supervisors, and employees of a district.
3	NEW SECTION. SECTION 2. INFORMATION ON HERBICIDE USE.
4	THE DISTRICT MUST PROVIDE INFORMATION ON PROTECTIVE
5	CLOTHING, HEALTH HAZARDS, AND PROPER APPLICATION TECHNIQUES
6	TO MIXERS, LOADERS, AND APPLICATORS OF HERBICIDES AND MAKE
7	THE INFORMATION AVAILABLE FOR REVIEW BY THE PUBLIC AT THE
8	DISTRICT OFFICE.
9	Section 3. Section 27-1-701, MCA, is amended to read:
10	"27-1-701. Liability for negligence as well as willful
11	acts. Everyone Except as otherwise provided by law, everyone
12	is responsible not only for the results of his willful acts
13	but also for an injury occasioned to another by his want of
14	ordinary care or skill in the management of his property or
15	person except so far as the latter has willfully or by want
16	of ordinary care brought the injury upon himself."
17	NEW SECTION. Section 4. Codification instruction.

the legislature is required for passage under Article II,

Section-1-is SECTIONS 1 AND 2 ARE intended to be codified as

an integral part of Title 7, chapter 22, part 21, and the

provisions of Title 7, chapter 22, part 21, apply to section

section 1 grants limited immunity from suit for weed districts, a two-thirds vote of the members of each house of

NEW SECTION. Section 5. Two-thirds vote.

Because

HB 0478/02

HB 0478/02

1	section 18, of the Montana constitution.	
2	NEW SECTION. SECTION 6. EFFECTIVE DATE	
3	APPLICABILITY. THIS ACT IS EFFECTIVE JULY 1, 1987,	AND
4	APPLIES TO CLAIMS ACCRUING AFTER JULY 1, 1987.	
	-End-	

1	HOUSE BILL NO. 478
2	INTRODUCED BY THOMAS, MEYERS, BRANDEWIE, HOFMAN, COMPTON,
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9	A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING WEED DISTRICTS
10	IMMUNITY FROM LIABILITY FOR NEGLIGENT ACTS; bimiting
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12	REQUIRING WEED DISTRICTS TO MAKE INFORMATION ON HERBICIDES
13	AVAILABLE TO THE PUBLIC AND TO PERSONS USING HERBICIDES; AND
14	AMENDING SECTION 27-1-701, MCA; AND PROVIDING APPLICABILITY
15	AND EFFECTIVE DATES."
16	
17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18	NEW SECTION. Section 1. Liability restrictions.
19	(1) A district, AS DEFINED IN 7-22-2101, is immune from
20	liability for negligent acts other than those constituting
21	gross negligence.
22	(2)fncasesofgross-negligence-or-willful-acts;-a
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25	noneconomic-damages-in-excess-of-910,000;

1	137 The provisions of 2-9-305 apply to board members,
2	supervisors, and employees of a district.
3	NEW SECTION. SECTION 2. INFORMATION ON HERBICIDE USE.
4	THE DISTRICT MUST PROVIDE INFORMATION ON PROTECTIVE
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6	TO MIXERS, LOADERS, AND APPLICATORS OF HERBICIDES AND MAKE
7	THE INFORMATION AVAILABLE FOR REVIEW BY THE PUBLIC AT THE
8	DISTRICT OFFICE.
9	Section 3. Section 27-1-701, MCA, is amended to read:
10	"27-1-701. Liability for negligence as well as willful
11	acts. Everyone Except as otherwise provided by law, everyone
12	is responsible not only for the results of his willful acts
13	but also for an injury occasioned to another by his want of
14	ordinary care or skill in the management of his property or
15	person except so far as the latter has willfully or by want
16	of ordinary care brought the injury upon himself."
17	NEW SECTION. Section 4. Codification instruction.
18	Section-i-is SECTIONS 1 AND 2 ARE intended to be codified as
19	an integral part of Title 7, chapter 22, part 21, and the
20	provisions of Title 7, chapter 22, part 21, apply to section

21

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24

+ SECTIONS 1 AND 2.

section 1 grants limited immunity from suit for weed

districts, a two-thirds vote of the members of each house of

the legislature is required for passage under Article II,

NEW SECTION. Section 5. Two-thirds vote.

HB 0478/02

1	section 18, of the Montana constitution.	
2	NEW SECTION. SECTION 6. EFFECTIVE DATE	
3	APPLICABILITY. THIS ACT IS EFFECTIVE JULY 1, 1987,	AND
4	APPLIES TO CLAIMS ACCRUING AFTER JULY 1, 1987.	

-End-

50th Legislature HB 0478/03 HB 0478/03

+ SECTIONS 1 AND 2.

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9	A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING WEED DISTRICTS
10	IMMUNITY FROM LIABILITY FOR NEGLIGENT ACTS IN THE USE OF
11	HERBICIDES; LIMITING-NONECONOMIC-DAMAGES-RECOVERABLE-FROM-A
12	WEED-DISTRICT REQUIRING WEED DISTRICTS TO MAKE INFORMATION
13	ON HERBICIDES AVAILABLE TO THE PUBLIC AND TO PERSONS USING
14	HERBICIDES; AND AMENDING SECTION 27-1-701, MCA; AND
15	PROVIDING APPLICABILITY AND EFFECTIVE DATES AND A
16	TERMINATION DATE."
17	
18	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
19	NEW SECTION. Section 1. Liability restrictions.
20	(1) A district, AS DEFINED IN 7-22-2101, is immune-from
21	liability-for-negligent-acts-other-thanthoseconstituting
22	LIABLE FOR DAMAGES CAUSED BY ITS USE OF HERBICIDES ONLY FOR
23	AN ACT OR OMISSION THAT CONSTITUTES gross negligence.
24	(2)In-cases-of-gross-negligence-orwillfulacts;a
25	districtisliablefor-economic-damages-within-the-limits

established-under-2-9-108Adistrictisnotliablefor
noneconomic-damages-in-excess-of-\$10,000;
(3) The provisions of 2-9-305 apply to board members,
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section 1 grants limited immunity from suit for weed

NEW SECTION. Section 5. Two-thirds

vote.

HB 0478/03

ì	districts, a two-thirds vote of the members of each house of
2	the legislature is required for passage under Article II
3	section 18, of the Montana constitution.
4	NEW SECTION. SECTION 6. EFFECTIVE DATE -
5	APPLICABILITY. THIS ACT IS EFFECTIVE JULY 1, 1987, AN
5	APPLIES TO CLAIMS ACCRUING AFTER JULY 1, 1987.
7	NEW SECTION. SECTION 7. TERMINATION. THIS AC
3	TERMINATES JULY 1, 1991.

-End-

SENATE

ON MOTION, MARCH 27,1987, HOUSE BILL 478 TAKEN AS AMENDED FROM THE SENATE JUDICIARY COMMITTEE.

1. Title, line 10. Following: "ACTS"
Insert: "IN THE USE OF HERBICIDES"

2. Title, line 15. Following: "DATES"
Insert: "AND A TERMINATION DATE"

3. Page 1, lines 19 through 21. Following: "is" on line 19 Strike: remainder of line 19 through line 20 Following: line 20 Insert: "liable for damages caused by its use of herbicides only for an act or omission that constitutes"

4. Page 3, line 5. Following: line 4
Insert: "NEW SECTION. Section 7. Termination. This act terminates July 1, 1991."

AMENDMENTS ADOPTED
HELD IN COMMITTEE BY A 5 TO 5 TIE VOTE

MC

Sehator Mazyfek